ORGANIZED CRIME DRUG ENFORCEMENT

HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

SPECIAL HEARING

Department of Justice

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ORGANIZED CRIME DRUG ENFORCEMENT

THURSDAY, DECEMBER 9, 1982

U.S. SENATE,
SUBCOMMITTEE ON STATE, JUSTICE, AND COMMERCE,
THE JUDICIARY, AND RELATED AGENCIES,
Washington, D.C.

The subcommittee met at 9:45 a.m., in room S-126, the Capitol, Hon. Lowell P. Weicker, Jr. (chairman) presiding.

Present: Senators Weicker, Rudman, Hollings, and DeConcini.

DEPARTMENT OF JUSTICE

STATEMENTS OF:

WILLIAM FRENCH SMITH, ATTORNEY GENERAL
EDWARD C. SCHMULTS, DEPUTY ATTORNEY GENERAL
KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
CHARLES R. NEILL, DEPUTY ASSISTANT ATTORNEY GENERAL
WILLIAM H. WEBSTER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
FRANCIS M. MULLEN, JR., ACTING ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION
LAURENCE S. McWHORTER, ACTING DEPUTY DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS
HON. DAVID PRYOR, U.S. SENATOR FROM ARKANSAS

OPENING STATEMENT

Senator WEICKER. The committee will come to order.

On November 13, the President of the United States transmitted to Congress a budget amendment calling for $148.9 million in additional fiscal year 1983 funds for the Department of Justice.

This amendment includes funding necessary to carry on current task force activities in south Florida, additional resources for the U.S. attorneys, Marshals Service, the Federal Bureau of Investigation, and for the operations of the Federal prison system.

However, the major portion of the pending budget request is $130 million, to be solely devoted to a new and consolidated Federal law enforcement effort to combat drug trafficking in the United States. With us today to testify on this request is Attorney General William French Smith.

Before proceeding to the Attorney General's testimony, I would like to say a few words.

We are all aware that no funds were included in the budget resolution or in the subcommittee's budget allocation for this request.

In order to accommodate it, we will have to breach the budget ceilings on the State-Justice bill. Law enforcement does not come cheap. The Attorney General has apparently been successful in finally convincing others in the administration on this point.

Frankly, I am four-square in favor of a major attack on organized criminal activity in drug traffic. I support this amendment. However, this program should not come at the expense of other programs for which funds have been recommended by the committee. It is my understanding that the administration is willing to breach the budget ceiling to accommodate this request.

On that basis, I am willing to make a recommendation to the Senate.

As I indicated, we have the Attorney General with us, Judge Webster and Bud Mullen, also Kevin Rooney, Assistant Attorney General for Administration, and Ed Schmults, my good friend from Greenwich, Conn., the Deputy Attorney General.

EXPRESSION OF APPRECIATION

Mr. SMITH. Mr. Chairman, before I go into my opening statement, I would like to express our appreciation to you for the support that you have given to the programs of the Department of Justice during the last 2 years.

Actually, your assistance and that of your very fine associate, Claudia Ingram, has been very, very helpful to us during the period of difficult budgetary problems. Speaking on behalf of myself, and on behalf of my colleagues, we certainly want to wish you well in your new chairmanship assignment.

Senator WEICKER. Thank you, very much.

OPENING STATEMENT

Mr. SMITH. I am very pleased to be here today and to testify in favor of the most important Federal law enforcement initiative in recent times.

I am especially pleased to be testifying in an uncharacteristic role—that of a Cabinet secretary in the Reagan administration, seeking an additional $130 million for the remainder of the fiscal 1983. The seriousness of the problem spawned by drug trafficking and organized crime, however, has made new funds and a new program a national imperative. As I saw most clearly on my recent trip to drug source and transit countries in Asia and Europe, the problem of organized crime and drug trafficking is international in scope. Although combating the problem must, therefore, contain a strong international component—and it does—we also need a renewed and redesigned domestic offensive that targets the primary shareholders and officers of organized crime. The comprehensive eight-point program announced by President Reagan on October 14 is that kind of a new offensive.

Man originally formed governments to protect himself against invaders from without and predators from within. America itself has always demonstrated the resolve and ability to protect itself against threats from without. In recent decades, however, American Government has not succeeded in protecting its citizens against predators from within. This Nation has been plagued by an outbreak of crime nearly unparalleled in our history and unequalled in any other free society.

ORGANIZED CRIME SOPHISTICATION AND PROFITS

The perniciousness of crime in America has been fostered of late by two interrelated developments. Crime has become increasingly organized and sophisticated. And organized crime has become especially lucrative because of the enormous market for illicit drugs. Drugs and organized crime have combined to wreak havoc on our communities, our lives, and our children's future. That combination represents the most serious crime problem facing this country today. Directly or indirectly, it threatens the fabric of society—and the gown of public integrity.

In recent months, the gravity of organized drug trafficking has been dramatically underlined by the Justice Department's new law enforcement coordinating committees. Despite local variations, every law enforcement coordinating committee—except one—has identified drugs as the chief crime problem in its region.

Organized crime reaps incredible multibillion dollar profits each year from illicit drugs—and more because drugs are just one of the businesses of organized crime. Naturally, no taxes are paid on these enormous sums.

VIOLENCE CAUSED BY DRUG PROBLEM

On a human level, the drug problem caused by organized crime is even more staggering. Drugs victimize not only addicts, but also those innocent citizens whom addicts assault, rob, and burglarize to obtain the large sums of money they need to feed their drug habit. There is no doubt that drugs cause an unbelievable amount of related crime. One recent study demonstrated that over an 11-year period, some 243 addicts committed about 500,000 crimes—an average of 2,000 crimes each or a crime every other day—just to support their habits. In fact, half of all jail and prison inmates regularly used drugs before committing their offenses. According to a very recent Rand study, addicted offenders in California, for example, committed nearly nine times as many property crimes each year as nonaddicted offenders.

ORGANIZATION OF ILLICIT OPERATIONS

The drug trafficking that creates this flood of crime is itself organized crime. Large-scale drug dealers must organize their operations. They obtain the illicit substances, or the rights to the substances, overseas. Without our borders, the drug dealers have set up elaborate enterprises for cutting the pure imported drugs and distributing them over wide geographical areas.

Drug money is laundered through legitimate businesses set up as "fronts" for drug dealers. The profits are then plowed back into the drug business, or, increasingly, invested in legitimate businesses.

The popular notion that the syndicate—or traditional organized crime—stays out of drugs is simply not true. Many of the syndicate's families have developed elaborate drug networks. Virtually every one of them is involved in drugs in one way or another.

But the problem of organized crime today is by no means limited to its traditional form. In the past two decades, we have witnessed the emergence of new organized criminal enterprises dealing in drugs and the other rackets traditionally controlled by the syndicate.

Over the past decade, some 800 outlaw motorcycle gangs have developed around the country and in foreign countries—and drugs represent their primary source of revenue. Prison gangs, first established as a result of associations developed in the California State Prison system over the past 20 years, today operate both inside and outside prison and are spreading beyond the west coast. In addition, there are other emerging groups, such as Southeast Asian groups, the violent Colombian groups known as the Cocaine Cowboys, and other drug cartels.

All of these criminal organizations deal in drugs and use violence. They are secretive, self-perpetuating criminal societies involved in drugs and every other sort of criminal activity. Money is their common objective, and violence is their primary tactic. They control large-scale drug trafficking today, and they are the groups that must be broken apart if we are to control the drug problem in the future.

These organized groups of criminals assault and murder each other—and innocent bystanders—in the violent and lucrative world of drugs. Organized crime also engages in pornography, gambling, prostitution, extortion, loansharking, fraud, and weapons trafficking.

PUBLIC CORRUPTION

And most serious of all, we see public officials at all levels being corrupted by drug money. We have reports of rural sheriffs and police officers accepting payments of $50,000 or more just to "look the other way" while traffickers make a single landing at a makeshift airport. The dollar amounts involved are so great that bribery threatens the very foundations of law and law enforcement.

NEW RESOURCES TO FIGHT CRIME

During the last 2 years we have recognized the full dimensions of the threat posed by organized crime and its involvement with drugs. We have, however, been operating at a considerable disadvantage. During the preceding 4 years, the number of FBI and DEA agents actually declined by more than 900—about a 10-percent cut in our manpower.

This administration did, however, craft and implement a series of initiatives to use our limited resources better in the fight against drugs and organized crime.

We reorganized the Drug Enforcement Administration. And for the first time, the FBI has been brought into the fight against the No. 1

crime problem to complement the excellent work of the DEA. Thereby, we gained not only the FBI's resources, but also its 20 years of experience in fighting organized crime. Since the summer of 1981, FBI drug investigations have grown from 100 to over 1,000—including over 300 joint investigations with the DEA.

Indeed, the FBI has scored dramatic successes against the organized crime. Working with the Justice Department's organized crime strike forces, the Bureau has helped to indict and convict numerous high-level members of syndicate families—including the top structure of organized crime families in some cities.

Just last year, the Attorney General's Task Force on Violent Crime did a speedy but thorough job of assessing the crime problem and came up with 64 different recommendations to improve our Federal effort. We have already implemented 75 percent of those recommendations. Indeed, the law enforcement coordinating committees that are now pulling together Federal, State, and local law enforcement efforts and resources, and have highlighted the urgency of the drug problem, were created as a result of task force recommendations.

Amendment of the posse comitatus law has enabled us to utilize the military's resources—and its tracking and intelligence capabilities—in the fight against drug traffickers. Through amendments to the Tax Reform Act, more crucial information is more readily available to law enforcement, and more tax cases are possible against drug dealers and organized crime.

SOUTH FLORIDA TASK FORCE

When this administration took office, south Florida had become a focal point of violence and corruption because of its sudden transformation into the central conduit for illegal drugs in this country. At the direction of the President, Vice President Bush brought together personnel from the Justice Department, Treasury and Customs, Transportation and the Coast Guard, and the Defense Department to mount a coordinated attack in south Florida.

In the course of only 9 months, DEA figures indicate that Federal agents in the South Florida Task Force have made more than 830 arrests; seized some $12.7 million in assets, including 122 vessels; and stopped the entry of more than 2,000 pounds of cocaine, over 1.1 million pounds of marihuana, and over 157,000 doses methaqualone. By all reliable estimates, the flow of drugs into south Florida has been greatly reduced.

All of our notable successes have demonstrated what resolve and coordination can accomplish even with limited resources. Nevertheless, the magnitude of the drug problem and the involvement of organized crime have dwarfed even those efforts. To create the South Florida Task Force, law enforcement resources were shifted from other areas of the country—and drug traffickers have begun to shift their routes toward those areas. Clearly, a national approach is needed.

INITIATING EIGHT-POINT PROGRAM

Many months ago, this administration began drafting the needed national effort—which incorporates new law enforcement resources and builds upon the lessons we have learned, including a recognition of the role of organized crime. The President, working with all the affected agencies of the Federal Government, has put together a new initiative that we believe can directly challenge both organized crime and drug trafficking in America. Our comprehensive eight-point program can, in President Reagan's words, "expose, prosecute, and ultimately cripple organized crime in America."

TWELVE TASK FORCES

The most important—and most costly—component of that program will be 12 new task forces operating in key areas of the country. They will improve upon our success with the South Florida Task Force, and will go after increasing organized crime involvement in drugs. These task forces will operate with the flexibility necessary to pursue organized drug syndicates wherever they operate. Under my direction, they will work closely with the State and local law enforcement officials. Following the south Florida example, they will utilize all the law enforcement resources of the Federal Government, including the FBI, DEA, IRS, ATF, Immigration and Naturalization Service, U.S. Marshals Service, the U.S. Customs Service, and the Coast Guard. In addition, in some regions, Department of Defense tracking and pursuit capability will be made available.

These task forces will allow us to mount an intensive and coordinated campaign against international and domestic drug cartels. Refining the south Florida model, they will target and pursue the organized criminal enterprises dealing in drugs.

Several points emphasize the significance of these new task forces in the fight against organized crime and drugs. This is the single largest Federal effort against drug trafficking ever assembled. By creating these task forces, and bringing the FBI into the battle, we will nearly double the Federal enforcement resources of only 1 year ago. Our proposal would provide the first major infusion of new agents into the FBI and DEA in about a decade. It would mean about a 25-percent increase in the number of agents devoted to drug work. The new task forces would complement the work of the Department's existing organized crime strike forces, which do not generally become involved in prosecuting drug cases, and they would contain more agents and prosecutors than the strike forces. Unlike prior Federal drug efforts that too often focused on the street level, our task forces would concentrate upon destroying the top levels of organized drug trafficking. The task forces are a major new undertaking, and they would have the resources to match the significance of the undertaking.

Although the task forces will spearhead our attack on organized criminal enterprises dealing in drugs, other components of the President's program will also put the spotlight on organized crime and help to attack it.

ORGANIZED CRIME COMMISSION

The President will appoint an Organized Crime Commission composed of 15 distinguished Americans from diverse backgrounds and professions with practical experience in criminal justice and combating organized crime. The Commission, which will continue for 3 years, will undertake a region by region analysis of organized crime's influence, assess the data it gathers, and hold public hearings on its findings. Not only will the work of this Commission lead to important legislative recommendations, it will also heighten public awareness and knowledge about the threat of organized crime and mobilize citizen support for its eradication.

STATE AND LOCAL REFORMS

The administration will launch a project to enlist the Nation's governors in bringing about needed State and local criminal justice reforms. This governors' project will bring to the attention of the States the importance of such initiatives, as well as eliciting the best ideas from our Nation's governors.

COMPREHENSIVE FEDERAL EFFORT

All the diverse agencies and law enforcement bureaus of the Federal Government will be brought together in a comprehensive attack on drug trafficking and organized crime under a Cabinet-level committee chaired by me and a working group chaired by the Associate Attorney General. We will review interagency and intergovernmental cooperation in the struggle against organized crime and, when necessary, bring problems in these areas to the President's attention.

We are also establishing, through the Departments of Justice and Treasury, a National Center for State and Local Law Enforcement Training at the Federal facility in Glynco, Ga. This center, which will complement the already excellent training programs run by the FBI and DEA, will assist and train local law enforcement agents and officials in combating other kinds of organized crime such as arson, bombing, bribery, computer theft, contact fraud, and bid rigging, as well as drug smuggling.

LEGISLATIVE REFORM AND OTHER EFFORTS

This administration will open a new legislative offensive designed to win approval of reforms in criminal statutes dealing with bail, sentencing, criminal forfeiture, the exclusionary rule, and labor racketeering. These reforms are essential in the fight against organized crime. In our new effort, I cannot overestimate the importance of these legislative reforms, which the President has already sent to the Congress.

The President has also asked me to submit a yearly report on the status of the fight against organized crime and organized criminal groups that deal in drugs. This requirement, although simple and inexpensive, will establish a formal mechanism through which the Justice Department takes a yearly inventory of its efforts in this area and reports to the American people on its progress.

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And, last, new funds will be allocated to prison and jail facilities so that the mistake of releasing dangerous criminals because of overcrowded facilities will not occur.

Our new program promises to be a highly effective attack on drugs and the even larger problem of organized crime. Although it will require substantial new expenditures for added resources, the annual cost will probably be less than what is spent in 1 day on illegal drugs in this country or what is spent in 1 week by many Federal programs.

As President Reagan has said: "Our commitment to this program is unshakable, we intend to do what is necessary to end the drug menace and cripple organized crime." We believe that the program announced by the President will have exactly that effect.

It is a comprehensive and carefully crafted national strategy that will coordinate and improve the efforts of all law enforcement agencies in fighting the menace of organized crime and drug trafficking.

As I said in a letter to you last week, Mr. Chairman: "This battle cannot be won quickly, but it can be won and should be begun without delay."

I, therefore, want to thank you, Mr. Chairman, for the expedited consideration this subcommittee is affording the President's proposal today. To further that process, I have asked the Deputy Attorney General, Ed Schmults, to join me today to explain how the $130 million for fiscal 1983 would be divided among the various parts of the President's program and to address the other items included in the 1983 amendment request.

Senator WEICKER. Thank you, very much.

Mr. Schmults?

Mr. SCHMULTS. Thank you, Mr. Chairman.

STATEMENT OF THE DEPUTY ATTORNEY GENERAL

Mr. Chairman and members of the committee:

The Attorney General has outlined the principal thrust of the administration's effort to combat the involvement of organized crime in drug trafficking.

I would like to take this opportunity to address how the request for $130 million for organized crime drug enforcement relates to the overall budget picture and to briefly address a number of other amendments that the administration has submitted for the Department.

The net increase of all amendments to the 1983 budget total $148.9 million, an increase of 5.6 percent over the previous request. Aside from the $130 million required for the major initiative, there are increases totaling $51.4 million for a number of other programs. These increases are offset by $24.5 million in decreases and a transfer to the judiciary of $8 million.

ADMINISTRATION STATEMENT OF FUNDING BENCHMARKS

In amending its request to the Congress for all domestic appropriation bills, the administration has been very careful to insure that its total request for each bill is in accord with the budget authority 302(a) al-

locations of the 1983 budget resolution. This is the case with the State, Justice, Commerce appropriations bill as well, where the administration's total request is basically consistent with the 302(a) allocation.

In a letter from Director Stockman to you, Mr. Chairman, the administration indicates that the Senate Appropriations Committee 302(b) benchmark will be treated as the standard for judging the acceptability of budget authority levels in the appropriations bills and recognizes that the Commerce, Justice, State bill, as it now stands, is in conformity with this benchmark. In his letter to you, Mr. Stockman expresses the view that the amendments we are discussing today are for such high priority purposes that he hopes you can fund these requests and nevertheless remain reasonably close to the 302(b) benchmark. We are confident that if you fund these amendments, that this bill, without any other increases, will be regarded as "reasonably close" to the 302(b) benchmark.

SOUTH FLORIDA TASK FORCE MODEL

As the Attorney General noted in his opening remarks, an important milestone in our fight to control drug trafficking was the establishment in March 1982 of the Vice President's South Florida Task Force. This effort to stem the flow of drugs into the State of Florida showed that many Federal agencies could effectively work together and with State and local law enforcement officials to address a critical situation.

The request under consideration by this committee was not envisioned when the 1983 budget was under development. However, the experience in south Florida and the results of the FBI/DEA alliance demonstrated the need for decisive action. It was clear we needed further initiatives and additional resources. A little over 1 week ago the President approved a 1983 budget amendment of $130 million to fund the organized crime and drug trafficking program outlined by the Attorney General. Under this program, additional investigators, prosecutors, and other enforcement experts will be needed. Within the $130 million, $70.3 million will be allocated directly to the salaries and related expenses of the task forces. The remaining $59.7 million will provide state-of-the-art technological support to participating agencies, constructing and renovating jails and prisons, improving intelligence capabilities, and establishing a policy and management structure for the effort.

TASK FORCE RESOURCES

For the task forces, every effort must be made to provide a proper mix of resources for all phases of the effort. Because this mix will change as work progresses, we are requesting a single appropriation under the Attorney General's control. A single appropriation will provide the necessary flexibility in allocating funds both to regions and organizations and assign unquestioned responsibility for the success of this effort. The successful coordination of the multiagency effort in south Florida under the direction of the Vice President leads us to believe that the task force approach can work on a large scale. Failure to provide a single source of funding could weaken the effort to coordinate

the work of the many organizations from the three Cabinet agencies comprising the effort.

The exact mix of resources during its initial effort has yet to be determined but the Department of Justice has decided it can make a substantial commitment from the workforce of the Federal Bureau of Investigation, the Drug Enforcement Administration, and the U.S. Attorneys. Outside the Justice Department, there is a firm commitment by the Treasury Department to provide investigative resources of the Customs Service, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco and Firearms. In addition, the Department of Transportation has pledged the cooperation of the Coast Guard. Special situations will also require the application of personnel from the Immigration and Naturalization Service, the U.S. Marshals Service, several of our legal divisions, and other agencies including the Department of Defense. The funding provided to the task force initiative will provide for 1,600 new positions in 1983 and allow us to fund 800 work-years during the remainder of this fiscal year.

USE OF RELATED RESOURCES

With an additional $70.3 million for task force salaries and related expenses in 1983, we will make progress in this new war on organized crime, but long-term success in the fight on crime is also dependent on our ability to maintain a full array of related resources in the criminal justice area. Thus our $130 million request for an appropriation titled "Organized crime drug enforcement" includes $18.8 million to augment automation requirements of the Federal Bureau of Investigation and the Drug Enforcement Administration. Improved air surveillance and the strengthening of the El Paso Intelligence Center will add another $3.2 million. The improved sophistication of the criminal community in intercepting voice communications requires that we request $12 million to insure the security of the communications within the Federal Bureau of Investigation. Another $18 million and 10 positions are needed so that the Federal prison system will have sufficient leadtime to expand capacity at existing facilities. An increasing number of arrests related to this program requires acceleration of the Department's programs to renovate or construct local jail facilities to insure the availability of space for Federal prisoners. This will cost $5 million. Finally, $2.7 million and 20 positions are required to support the President's Commission on Organized Crime, a 50-States project to coordinate Federal efforts with State and local enforcement programs, and to prepare an annual report to the American people on what is being done and needs to be done in the fight against organized crime.

CONTINUED FUNDING FOR SOUTH FLORIDA TASK FORCE

The South Florida Task Force effort has been maintained and expanded to cover a broader area. Last year, through supplemental appropriations, the Congress provided over $12 million for this purpose. The amendments that accompanied the $130 million request for "Organized crime drug enforcement" include an additional $9,535,000 and 119 positions to continue this work in 1983.

The funds for this effort are in the requests for the U.S. attorneys and Marshals, support of U.S. prisoners, fees and expenses of witnesses, the Drug Enforcement Administration, and the Federal prison system. The Senate Appropriations Committee, in earlier actions, has already responded to many of these requirements but we are asking that the others be addressed as well.

OTHER BUDGET AMENDMENTS

The budget request also contains other elements to improve debt collection, expedite the installation of the prosecutor's management information system, proceed with the Civil Division's automated litigation support activities, extraordinary litigation expenses for the U.S. Marshal's Service, improvements in the FBI's technical field equipment, automation of fingerprint identification, and expanded capability for conducting offsite surveillance on narcotics investigations. Here again, the Senate has already acted on some of the requests.

Finally, we are asking the Congress to fund the Drug Enforcement Administration's effort to replace technical investigative equipment and to purchase radio scanners, and for the Federal prison system to provide for a population increase that has already materialized and to activate the recently acquired facility at Mount Laguna, Calif.

OFFSETS AND TRANSFERS

To help offset these increasing costs, the administration has asked us to identify places where savings must be made. As a result of this effort, we are withdrawing a $22 million request to build a second alien detention site. We have also agreed that $2,518,000 can be withdrawn from the budget request for the Antitrust Division, thus bringing it into conformity with the current Senate allowance.

The amendment package also includes several transfers that have already been accomplished in the committee reported versions of both the House and Senate bills. The only remaining transfer requiring action is our proposal to transfer $5,798,000 from the Immigration and Naturalization Service to a new Executive Office for Immigration Review. In conjunction with this transfer, the Department is requesting an additional $2,514,000 to reduce the backlog of immigration appeals.

In conclusion, I would like to reiterate the primacy of our $130 million request for organized crime drug enforcement and for the task force which is essential to accomplish a unified attack on organized crime.

Thank you, Mr. Chairman.

ACCEPTABILITY OF APPROPRIATIONS BILL

Senator WEICKER. Thank you, Mr. Schmults.

If my colleagues approve what I would like to do, I know the General's time is going to be limited. I am going to ask a question, then if there is a followup, then turn it over to my good colleague, Senator Hollings and try to move rapidly to everybody.

First of all I will insert in the record the letter to me from Mr. Stockman, dated December 8, 1982, that Mr. Schmults referred to.

[The letter follows:]

LETTER FROM DAVID A. STOCKMAN, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

DECEMBER 8, 1982.

Hon. LOWELL P. WEICKER, JR.,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Throughout the fiscal year 1983 budget process, the administration has maintained the standard that the section 302(a) allocations for discretionary programs consistent with the budget resolution must be adhered to if the deficit reductions assumed by the resolution are to be achieved. We have, therefore, held to the clear policy of not sending to the Congress any budget amendments that would take the administration's request above these budget resolution ceilings.

The budget amendments for agencies funded in the Commerce-Justice-State bill for such urgent programs as the President's crime initiative and upgrading U.S. capabilities in the field of international radio broadcasting are very close to the 302(a) ceiling. In fact, offsetting reductions have been proposed wherever possible to hold the increases to a minimum. Increases to the President's original request and reductions from it are as follows:

President's February fiscal year 1983 request	$8,252,000,000
Changes:	
Request for Voice of America	+23,000,000
Request for Board for International Broadcasting	+21,000,000
Request for Commerce Department resources for economic and statistical analysis	+2,000,000
Request for Justice Department resources for south Florida immigration review, housing prisoners, and debt collection resources	+21,000,000
Request for organized crime drug enforcement resources	+130,000,000
Reductions for general operations in the Antitrust Division	−3,000,000
Reductions for Maritime Administration research and development	−2,000,000
Reductions to USIA's special foreign currency fund	−1,000,000
Reductions to State Department's international conferences and contingencies and bilateral science and technology agreements	−2,000,000
Reductions to the judiciary	−17,000,000
President's current request	8,424,000,000
Resolution 302(a)	8,386,000,000
Difference	−38,000,000

We recognize the prerogative of the Senate in the appropriations process to vary from the subcommittee levels consistent with the budget resolution 302(a) allocations for discretionary programs so long as the amount for budget authority conforms to the resolution total. Therefore, we recognize that in its 302(b) allocation the Senate Appropriations Committee added $531 million to the 302(a) allocation for the Commerce-Justice-State Subcommittee and is now working against a benchmark of $8,917 million for annually funded discretionary programs.

I have indicated to Chairman Hatfield and the Senate leadership that the Senate Appropriations Committee 302(b) benchmarks will be treated as the standard for judging the acceptability of budget authority levels in the appropriations bills.

In regard to the Commerce-Justice-State bill, we note that it is in conformity with the 302(b) benchmark in the absence of the amendments the administration has requested. We believe these amendments are, however, for high priority purposes, and we have been careful in our requests to be consistent with the 302(a) budget resolution target, which are well below the 302(b) ceiling for this bill. We hope that you can fund these requests and nevertheless remain reasonable close to the 302(b) benchmark.

The Senate bill contains several riders to the appropriation for the Legal Services Corporation (LSC) that are of concern to the administration. While these riders address

significant problems, the administration believes they do not go far enough in insuring the LSC funds are directed toward the highest priority legal needs of individual clients. The administration prefers the language in the House committee version of the State, Justice, Commerce Appropriation bill for LSC. the House bill embraces the Senate committee restrictions and goes further to address more comprehensively other current problems in the operations of the Corporation and its grantees.

I know that you share the administration's commitment to reduce the growth of Federal spending. I hope that when this bill is marked up by the Senate that you make every effort to stay as close as possible to the 302(b) ceiling and to accept the language on the Legal Services Corporation that is contained in the House bill.

Sincerely,

DAVID A. STOCKMAN,
Director.

REQUESTS CLOSE TO 302(b) ALLOCATIONS

Senator WEICKER. I understand generally that you and Mr. Schmults have been in close contact with OMB regarding the effect of these amendments on the budget ceilings. In his letter, Mr. Stockman asks us to fund the requests and expenses and hopes that in so doing we will remain close to our section 302(b) allocations and he indicates that the administration would find these funds, these requests acceptable if they remain close to the 302(b) ceiling.

In your discussions, does this mean if we breach our ceiling with this request that the State-Justice bill will still be acceptable?

Mr. SMITH. That would be our recommendation.

Senator WEICKER. Would it be your expectation?

Mr. SMITH. Yes, it would be our expectation.

Mr. SCHMULTS. That is correct, Mr. Chairman.

As I said in my statement, this additional amount with no other additions we certainly believe is a proper investment and we regard it as reasonable and within the standard.

THIN BLUE LINE OF LAW ENFORCEMENT

Senator WEICKER. Senator Hollings?

Senator HOLLINGS. Right to that particular point, your expectation is what disturbs us generally, on this committee.

Our distinguished President last year in New Orleans made the famous "thin blue line" talk to the police chiefs. In that speech to the law enforcement officers he said that they were the thin blue line between the jungle of crime and civilization. That was one day and almost the very next day, his Director of Office of Management and Budget put in a 6-percent cut at the FBI and 12 percent at the DEA. We heard DEA put on bake sales down in Fort Lauderdale last fall because they had to raise funds for gas for their automobiles. That is the disconnect that disturbs this committee.

To get right to the point about how serious it is, your Department gratuitously gave out these questions and answers on October 14 in announcing this particular program. You put this question: "Is the Carter administration really to blame for a lot of the current narcotics problems?"

This is your given question and your given answer was: "Certainly, drug enforcement and law enforcement in general did not receive the emphasis they needed during the Carter years."

So going right to the last Carter budget, fiscal year 1981, we had for the Coast Guard and I can list the figures for Customs, Marshals, the DEA, the FBI a total of 176,805 permanent positions. This year you presented a 1983 budget which has cut that down to 157,196 permanent positions, or a cut of over 19,000. You cut them.

Now you come in December before Christmas with a great move for 1,630. So that will still put you 7,979 shy of what we had back in 1981 under President Carter.

That is the disturbing thing. Crime is on the increase. This particular initiative started in Florida with the citizens in Miami. They changed everybody's mind. They got over 137,000 different civic organizations moving down there in addition to your strike force, which has done an outstanding job.

The Governor and the legislature were very scant about getting the money. They were all for crime, but couldn't get any money. After the civic organizations and the individual movement went up to the legislature in Florida, they all changed their minds and voted upon themselves an added sales tax and the city itself put on an added tax.

They are putting on judges, agencies, and everything else and finally getting the move going. That is coming right from the grassroots.

I think it is one of the most outstanding things. The only bad thing is that they are doing such a good job, they are running all this up into South Carolina and we are having a dickens of a time. [Laughter.]

COAST GUARD AND AGENT CUTS

Senator HOLLINGS. Right to the Coast Guard, we have got 20-year-old kids climbing 30 feet in the dark of night into the wall of a tanker, and seizing it, 100 miles out, bringing it in; real agents of courage and sacrifice in a very dangerous situation.

The administration has been cutting back the Coast Guard. I respect you and your agency and the outstanding job that Judge Webster does, but we wonder.

You folks will come and add on a little bit, we will be on TV about the assault we are going to make on crime, but we are cutting only at the edges.

We have got more crime than we had before in a bigger society. We've lost a lot of jobs and are actually 1,000 agents shy of what we had 10 years ago.

STATE AND LOCAL TAX BURDENS

I don't know how we expect to do the job. Yet we are talking about the idea of tax cuts and act like we don't need the revenues. The people of Florida found out they needed revenues. They marched on the legislature to tax themselves and tax their entire State, put it in for crime in all the cities.

There is a serious problem out there. That is what you are telling us about, but I could go down all of these facts and figures.

I will be glad for you to comment. But we are way behind. I don't mind playing the catchup game. I hope we can get those citizens to serve on that task force you are talking about but you have got to have the wherewithal and more than just $130 million.

We have got to build back law enforcement to where it was just the year before last. If we can get it to that, we might be able to do the job. We really are shorthanded in every regard.

I work intimately with the drug enforcement effort in my own backyard. Senator DeConcini held hearings on the coordination of the State-Federal coordinating drug investigations, and has been outstanding in his support of the joint State-local drug intelligence funds.

FBI AND DEA FUNDING REQUIREMENTS

We are struggling to get it in every year as you well know. We try to get more agents. Judge Webster comes up, it is the darndest act you can ever see. His eyes are saying, yes, yes, yes, but his mouth says, no, no, no. [Laughter.]

Senator HOLLINGS. Mr. Attorney General, they look at me and say, are you for real?

I would like to ask you this morning the same question: Are you for real?

Mr. SMITH. Senator, I don't know where those figures you quoted from came from.

Senator HOLLINGS. These figures are right out of the President's budget for fiscal 1983 that was submitted early this year.

Mr. SMITH. I would have to review what those figures are. I made this point in my own statement. I would like to say that we actually have now about 900 fewer FBI and DEA agents than we had back in 1977.

We have been wrestling with that problem. That is one that we inherited. We did not create that problem. That was one that we inherited.

What this program is designed to do is to not only make up for that particular gap that was created, as a matter of fact, if this program goes through we will have made up those 900-plus a substantial additional number.

This program, I can guarantee you, is certainly for real, if you consider $130 million being for real. On top of that—that is just 1983—in 1984, we estimate that this program will have new money that will come not out of existing law enforcement resources, which will range somewhere between $160 and $200 million.

IMPROVEMENTS OUTSIDE THE BUDGET

Not only is it a matter of money, we certainly have found in the past that you don't solve criminal problems by throwing money at it. LEAA is a good example of that. The way you do it most effectively is to utilize the resources that you have and, in addition, to have a focused ef-

fort against a specific problem which happens to be the No. 1 problem in this country today, namely drugs.

We have done a great deal and much of it has been unheralded and does not cost any money.

We have, for example, established something that hasn't been recognized as having the value that it really has, namely we have directed each of our 94 U.S. attorneys to establish local law enforcement committees.

They are designed to pool the resources of Federal, State, and local law enforcement authorities to determine priorities on a local district-wide basis including the cross designation of prosecutors. That doesn't cost any money.

I am really amazed that it hasn't been done before. It is about time in my opinion that we look at how most effectively we can utilize the resources that we have without throwing additional money at it.

The idea of evaluating an effort by the amount of money spent certainly went down the drain with LEAA. There are other things. For example, we have, as you so well know, consolidated the Drug Enforcement Administration with the FBI. To me, it is really quite surprising that our No. 1 law enforcement agency in this country has never before this time dealt with this crime problem. This is something that we have done, that doesn't cost any money, yet it brings into this fight, this major fight, the resources and the expertise of the FBI, particularly insofar as it deals with organized crime and organized crime syndicates, in particular as it deals with following the money trail.

I think that there are other areas, and we are pursuing them—as a matter of fact, we owe quite a debt of gratitude to the organization of the Violent Crime Task Force with coming up with recommendations.

We have implemented them. As a matter of fact, we have implemented 75 percent, as I indicated, of our recommendations.

SUPPORT FOR INCREASED LAW ENFORCEMENT

Senator Weicker. I think two points need to be made: First of all, the statement of history presented by Senator Hollings is correct, whether he was chairman of this committee, or whether I am chairman of the committee. It has been the efforts of Senator DeConcini on the committee or the floor, administration after administration yells law and order and then promptly proceeds to go away and whack away at the budget. I am delighted. That is a correct statement of history and quite frankly, it applies to this administration and previous administrations.

This committee, as the Director well knows, has consistently tried to give whatever is needed in terms of money and personnel to our law enforcement agencies for whatever the job, drug enforcement or whether it is terrorism, or whatever. Having said that, that is a correct statement of history, I think I also would like to recognize the efforts of yourself and your colleagues in dispelling the previous practice of saying that all this can be achieved cheaply. It cannot.

Obviously you have carried your message not just to the President, but to the Director of the Budget and others. I think we are very grate-

ful for the fact that this does present somewhat of a change of presentation as to what we experienced in the past.

BUDGET RESOLUTION ALLOCATION FOR LAW ENFORCEMENT

Senator Rudman?

Senator RUDMAN. Thank you, Mr. Chairman.

I really only have a comment and a question, probably for Judge Webster. The comment is, as you well know, last year Senator Chiles and I joined by many others, attempted to transfer $225 million into the law enforcement category of the budget resolution for this precise purpose.

Of course, it was defeated at that time. I am delighted that we now have it backed by the administration because we thought this ought to be done 1 year ago and the record clearly shows that. I only have one area of concern and that is probably based on my own personal experience in working with joint State-Federal task forces. I note in the General's statement that there is going to be an effort to work with local and State law enforcement organizations to pool those resources.

NEED FOR FEDERAL-STATE COOPERATION

Do you have some definite plans in mind, Judge Webster, that will hopefully cut off at the pass what has happened so often in the past—when the Federal Government moves into an area, where the States have been very dominant over a period of time—and the natural turf battles start to work out and you get to the point instead of fighting organized crime, they are fighting each other.

I would like to know specifically what you have in mind in terms of the liaison and relationships that these individual task forces are going to have around the country? You well know we have some pretty outstanding State and local law enforcement agencies dealing with this very problem.

Mr. WEBSTER. Senator Rudman, we met with the U.S. attorneys yesterday here in Washington and Associate Attorney Generals and other officials for over 4 hours, discussing the implementation of these procedures. This was very high on our list, the importance of bringing in effective liaison with State and local law enforcement officials. The main thrust of this work, as the Attorney General pointed out, is to deal with the upper echelon criminal enterprises, long-term investigations.

That I think, complements the work of State and local law enforcement to deal with the peacekeeping responsibilities on the street which is a tremendous responsibility in and of itself.

It is clear that the money is not to be diverted as it was in the old procedure of sometimes being passed through as a handout but rather to be effectively used.

We need to share intelligence. We need to work out particular projects. Much of the information that leads us to high echelon figures comes from the streets. That is where the local and State officials are already. We need their help and assistance. So I can assure you there will

be increased and effective liaison between Federal agencies and State and local agencies.

MULTISTATE REGIONAL INTELLIGENCE PROJECTS

Senator RUDMAN. Let me follow it up in this way: I know in a number of regions of the country, in New England, where the New England State Police and New England Attorneys General have an ongoing effort in the organized crime penetration. In fact, it was originally funded with one of the few LEAA grants that I thought did much good and it was picked up thereafter by the States.

That is now working in the area, not so much of interdiction, but precisely the kind of attack on the structure you are talking about. I assume if you have a task force in that area, in New York, or on the west coast, you will integrate with the State groups. Will you essentially not be working separately but working together?

Mr. WEBSTER. Absolutely.

Senator RUDMAN. Thank you.

Senator WEICKER. Senator DeConcini?

Senator DECONCINI. Mr. Chairman, to followup on Senator Rudman's question, the New England regional effort up there of the local law enforcement agencies, I would hope that the administration would cease the resistance of modest funding and also use those resources. We have one in the Rocky Mountain States, the ROCIC, we have the Midwestern one, and, of course, the one in California. It used to be that there were a number of Federal agencies assigned to the one in the Rocky Mountains. I am not familiar with whether or not they still do that. I only call that to your attention in hopes that is the kind of integration that to me would work where you have 5 or 6 States that are sharing intelligence information on organized crime and narcotics that there would be an FBI agent assigned there so that they would have the availability of that intelligence information.

I don't think it is going to cost you anything except the personnel, at least in that one. I think Senator Rudman is so right, because if your U.S. attorneys and the FBI agents are not willing to cooperate, DEA has had someone assigned to the Rocky Mountain one, so has ATF, and Customs did until their positions were cut. I hope that that effort is not channeled just through the Governors or something because someone should look on the Federal level, Judge Webster, at the success or failures of these.

If it is successful, at least one in the Rocky Mountain States are, they ought to be blended in here. I know from talking to the director of one there that they are very willing to be blended in.

Mr. Chairman, I have a question to follow along with what Senator Hollings was talking about. But I would be glad to yield to him because I do not think he was finished.

RESTORATION OF PREVIOUS BUDGET CUTS

Senator WEICKER. After you are through, I am going to Senator Hollings.

Senator DECONCINI. OK.

Mr. Attorney General, nothing is served by going back, I guess, and debating who did more in the law enforcement, this administration or the past one. The record speaks for itself and let me tell you, I applaud you and the President in putting this together. I think it is the right way to go. I couldn't be happier that there is this emphasis, as I said to you the other morning, that you, yourself are taking the interest in this and carrying that message in behalf of the Federal law enforcement agencies to the White House and to the President.

The problem that I think we have got to address and put behind us is that the President's fiscal year 1983 budget called for FBI cuts of approximately 400 positions. That was just in February. They cut it 2,600 positions in the Customs budget and the abolition of the Bureau of Alcohol, Tobacco and Firearms. Now, we are asking for 760 new positions presumably in DEA and FBI and 112 new positions for the Customs Service and 50 new slots for the BATF.

I am concerned that obviously that has been reversed, coming forward and I presume you are not going to push for these cuts. I am talking about 1984. Maybe you cannot give a definite answer. But I am informed that the President's budget is going to propose cutting 2,900 positions in the Customs Service.

I would be surprised if there weren't other proposed cuts coming down the line. Can you respond to that and what are you going to do to try to stop that from happening because if we are going to do this only for this year and then have 2,900 positions cut in the Customs and maybe other places, we are really not doing anything but raising the expectations of the people of this country, but not keeping the resources there.

Mr. SMITH. Senator DeConcini, I think that one point should be made; that is, here again, really two points. One is that we, along with every other agency in Government, have to be conscious of the problems of Federal expenditures and the budget, the deficits. We cannot just assume that our agency is infallible to spending every dollar as efficiently as it can spend. I think that it looks good. During 1981, we didn't like it. Nobody likes to have their resources diminished. Every agency, certainly law enforcement, can also use more and more resources. But I think that sweep was very important because it did make us look at how we could do things better with what we have. I think an excellent example of that is what the Task Force on Violent Crime did, as I mentioned earlier, that was appointed in 1981.

The recommendations they came up with were excellent recommendations. They did force us to look at how we can do things better, with the same resources, even with fewer resources. We wouldn't have done that if we had just gotten all the money we wanted.

EXPECTATIONS FOR LAW ENFORCEMENT AGENCIES IN 1984

Senator DECONCINI. If the Attorney General would yield, I appreciate that and they certainly merit that. The real question is, are you prepared to tell us today that from the Justice Department's standpoint, that come 1984, you are going to be back here continuing this program and not just let it slip away as what I think is happening right now and I suppose you know it, or your people do, that OMB is planning in 1984 to cut 2,900 just in Customs and in other law enforcement agencies.

I would like, and I appreciate your commitment here, that yes, you are going to be, because that is really important of where we are going to be, not just through 1983, where we are going to be in 1984 and 1985, if we are really going to do what you are proposing.

Mr. SMITH. We are going to be back here in 1984 proposing this program continue on a full fiscal year basis, exactly as we had said.

Senator DECONCINI. Thank you.

BUDGET REDUCTIONS SINCE 1981

Senator WEICKER. Senator Hollings.

Senator HOLLINGS. Mr. Attorney General, we do not mean to seem cynical. Each Attorney General comes and announces an onslaught on organized crime. I remember Bobby Kennedy. He was going after organized crime. Fine, the next 20 Attorneys General are going to do the same thing. If I were the Attorney General tomorrow, I would announce one. What I am trying to get at is actual facts and figures. I do not have to be sloughed off by the LEAA, because I had those hearings about using airplanes to fly to New York to buy the Governor's wife clothes. We exposed that.

But that is way beyond the pale here of these particular statistics and different agencies. I would ask all of these experts who have been working in the field to look down, the Coast Guard, it has been cut from 1981 to 1983, from 38,586 to 34,938. Cutter patrol hours are down from 1982 to 1983, personnel down 10 percent from 1981. I go right on down, Customs, down, 1,804 positions, including 1,170 Inspector positions, $38 million in program cuts in 1983. The FBI, 121 special agent positions cut, mostly in the area of white-collar crime, 408 positions cut in total. That is 1983 over 1981.

The IRS, 16 percent cut in positions from 1981.

There is exactly a 19,609 reduction, almost 20,000 in the 2 years. You jumped us back from 1977. We built up from 1977 up to 1981. Let's look at the 2-year record and what we are trying to do. Specifically, Mr. Attorney General, what we really need is not 15 distinguished Americans of diverse backgrounds—really, if you wanted some public group, I have 15 fellows for you out of Berkeley County. If I brought them up and put them in, they would find the organized crime pretty quick. But I don't know about other laws they might violate. [Laughter.]

PRESIDENTIAL COMMISSION ON ORGANIZED CRIME

Senator HOLLINGS. Fifteen distinguished Americans who give visibility to crime, every fellow on the street, black, white, rich, poor, north, south, they all realize this. The administration does not. We need a task force of 15 within your administration on the Cabinet, that is what we need to have one in your particular administration. If you could get us 15 distinguished Americans in this particular administration and in OMB, to coordinate and operate and say, this really is what we are going to do, all of these particular needs now to be answered, that is not throwing money away. We are way behind the 8-ball in crime. It is not saving money when you cut these. I know budgets. We are going to spend the money. I can't give Carlson enough money to keep up the jails, or the prisons. We build new prisons. Every time we have a meeting we build another prison or so.

They found down in Florida that the judicial system, the courts, they needed judges, probation officers, they needed magistrates, the whole thing had been broken down. They were willing to tax themselves. The local communities are saying they do not need 15 distinguished Americans, but in our work here in Washington, we need somebody within the administration to stick with it. I would ask that you comment on these figures.

I will give this to you. You know about this, Mr. Rooney knows it, we have been through this, Judge Webster knows this. I have talked to him about the cuts in the FBI. I have been over to visit the Bureau and have seen all the improvements we have made. There have been some good improvements. We are for it. But this one time $130 million is just a drop in the bucket with 15 distinguished Americans to find out about crime. My boy Michael knows about it. Everybody knows about it.

What we really need is the money and all these particular departments, they will coordinate at local level, if this administration will follow through. But they have been drastically cut, 20,000 positions in the last 2 years.

Mr. SMITH. Senator, I think either Mr. Rooney or Mr. Schmults can respond to that. I don't know what you are reading from——

RECENT ACCOMPLISHMENTS

Senator HOLLINGS. From page 26 of part 1 of this subcommittee's hearing with you on March 2. The hearing is right before this committee. Yes, sir.

Mr. SMITH. As I say it depends on what they are, whether they are part of the budget process or whether they are something that actually happened or something requested. These gentlemen can respond to that.

Let me just say this: I know that there are pronouncements with respect to what is going to be done by Attorneys General and by others over the years. We are asking you not to judge us by the words. We are asking you to judge us by the deeds, what in fact has been done. I have gone through a number of those. I can go through a good many more

as to what in fact we have done first without additional resources, without any additional resources and have made in our opinion substantial improvements in the law enforcement effort in this country without spending a dime.

SOUTH FLORIDA TASK FORCE

In addition to that of course we have this program which is an outgrowth of the South Florida Task Force. What happened in the South Florida Task Force is not something that somebody pronounced or said. That was an actual—not an organization put in place that accomplished something. Those weren't words.

Senator HOLLINGS. It was done by the south Florida people. Let's get the record straight.

Mr. SMITH. By what?

Senator HOLLINGS. The south Florida people, the newspapers. I know who headed the whole thing up. I talked about it in January.

Mr. SMITH. Certainly the south Florida people but it also involved resources that were pulled from other parts of the country.

Senator HOLLINGS. They had to drag you all in there.

Mr. SMITH. We dragged them in. You didn't.

Senator HOLLINGS. I am trying to drag back some of them into South Carolina.

Mr. SMITH. That is precisely what this program is all about, the very success of the South Florida Task Force created two additional problems. One, it pulled resources from the other parts of the country and to that degree weakened our efforts; second, it caused the drug traffickers to go to other areas. That is the genesis of this program, to compensate for the problems that the success of the South Florida Task Force created.

JUSTICE EMPLOYEES WORKING ON LAW ENFORCEMENT

It is a little hard to call this program that we are proposing here words. It is a lot more than words. It is not only an expected success. It is based upon an existing success. These numbers you can go up and down and around all over the place with respect to those statistics and figures and what happened here, what happened there. All I know is, insofar as our operation is concerned, when we came here we had almost 10 percent fewer FBI agents and DEA agents than were here in 1977. This program is not designed specifically to correct that, but it has the effect of correcting that because, although it is a focused effort dealing with organized crime and drugs, it does augment our DEA agents and our FBI agents and brings them back up to and somewhat above the levels of 1977.

Those are actual bodies on board I am talking about, people who can actually perform the jobs.

Senator HOLLINGS. Is your statement, generally, that you have increased the FBI agents and DEA agents since you have taken office?

Mr. SMITH. If this program goes through.

Senator HOLLINGS. Wait a minute. I am asking you of this minute.

Mr. SMITH. No.

Senator HOLLINGS. Is it your statement that you have increased, since you took office, the FBI agents and DEA agents?

Mr. SMITH. We have not. We have stopped the decrease.

Senator HOLLINGS. You started decreasing them?

Mr. SMITH. No; we didn't start decreasing.

Senator HOLLINGS. What did you do since you have taken office? Have you increased or decreased FBI and DEA agents?

Mr. SMITH. Generally speaking we stopped the decrease.

Senator HOLLINGS. Did you increase or decrease? I can give you the actual figures. Then we can look and see who is telling the truth here in this area.

Mr. SMITH. In 1981 and 1982, our forces were about the same.

Senator HOLLINGS. About the same. You did not decrease them?

Mr. SMITH. Not substantially, no.

Mr. SCHMULTS. Talking about actual agents on board. Not positions, on board.

Senator HOLLINGS. We are playing games. We have got the figures.

Mr. SCHMULTS. We are not playing games.

MUTUAL SUPPORT FOR LAW ENFORCEMENT EFFORT

Senator WEICKER. The Chair would observe that I think we are all of the same mind here, the same objective. I was delighted to hear the response to Senator DeConcini's question. I have committed myself and President Reagan has committed himself to continuing this. I want to ask you if you became President if you would commit yourself to 1985. [Laughter.]

Senator HOLLINGS. I want to go back to where we had it.

Senator WEICKER. It is on the track, it is going to stay, whether it is a Republican or Democrat?

Senator HOLLINGS. When I did, I would save money for the taxpaying public as well as lives.

Senator WEICKER. I will tell you why Senator Hollings is sensitive on this point. I think both of us are; is that we have had to fight every administration to get adequate funds and personnel for law enforcement. They all yell law enforcement. Then they run to the Justice Department and find the favorite place to cut the budget. That is why you are running up against a few raw feelings here. I can understand them.

I wonder if I might just for one second, Senator Pryor has a previous commitment and he has been very patient. He asked for 60 seconds to submit a statement for the record. I know it is unusual. Go right ahead.

STATEMENT OF SENATOR PRYOR

Senator PRYOR. Mr. Chairman, I have a short statement that I would like to submit for the record. But I would like, if I could, to expand on the area that Senator Rudman has dealt with, and that is the involvement of State and local law enforcement agencies.

We are about to implement a $130 million program to combat drug trafficking, yet I don't see $1 for local law enforcement officials. It concerns me a great deal that such a program would basically, it appears to me, almost be circumventing rather than forming a partnership with local law enforcement people. I would just hope that the committee in its wisdom would consider this, and consider the possibility of earmarking funds for law enforcement on the local level.

I am not talking about reconstituting the LEAA. I am not engaging in that. But I do think, there is a need for assistance to State and local law enforcement agencies in areas with demonstrated drug trafficking problems. For example, in Arkansas, we are second, I understand, in growing marihuana, and most of that is grown in the national forests. We have only three DEA agents assigned to our State. We just feel that utilizing the resource that is there would be very beneficial to the attack on drugs and organized crime, an effort in which we all hope you succeed. That, Mr. Chairman, is my statement. I will submit a longer statement for the record.

[The statement follows:]

STATEMENT OF SENATOR DAVID PRYOR

Mr. Chairman and members of the committee, I am grateful for the opportunity to appear before you today. I believe that we are all in agreement on the vital importance of coming to grips with our national drug trafficking problem and bringing it to an end.

The President's proposals for an unprecedented Federal effort to combat drug trafficking and organized crime will provide coordination for a nationwide effort, and he is to be commended for his initiative. His proposals for 12 newly-created regional task forces will provide manpower and expertise which will be available to every State of the Union. He has also called for reform in our Federal criminal laws, many of which have the support of Congress and have been included in the crime package which has been passed by the Senate. Indeed, the proposals for a Governors project to coordinate Federal efforts with State and local programs and for the pilot program to train State and local law enforcement personnel are also commendable.

However, as I have reviewed the President's eight-point program, I have one recurring concern. While the program provided for a full-scale Federal effort, no provision has been made for financial assistance targeted to State or local governments with a demonstrated drug trafficking problem. This would seem essential to an effective program.

If I may, I would like to illustrate the need for assistance to State and local law enforcement agencies by briefly relating the situation we presently face in my State. The national forests in Arkansas have become one of the prime marihuana growing locations in the country. In fact, a Drug Enforcement Administration representative has stated that Arkansas is reputed to be the second largest marihuana producing State in the Nation.

It was not a laughing matter to me when I recently read that it had been joked that growing marihuana had replaced moonshining as the local cottage industry in parts of my State. We have a problem which is, in the words of Bobby Hicks of the Arkansas State Police, ". . . so big we can't control it." The Forest Service has estimated that the yearly marihuana crop in the Ozark and Ouachita national forests is in the range of $200 million. This is further put into perspective when you consider that this figure far exceeds the value of the timber harvested on Arkansas' Federal lands.

Following the announcement of the President's program, I heard from law enforcement representatives in my State who welcomed the President's commitment to fight drug trafficking. It was their belief that the Presidnet was correct in his decision to concentrate manpower and resources to this end. However, our experience in trying to bring the marihuana problem under control in Arkansas has shown that it requires a

coordinated effort of Federal, State, and local officials. Recently a forest ranger accidently came upon a marihuana field in Arkansas—150 Forest Service employees, State policemen, FBI agents, and county sheriffs were involved in the destruction of the field and arrest of six persons. The value of the marihuana crop was estimated to be $20 million.

I would submit that if we are going to make the commitment as a Nation to end drug trafficking, we must make it a full commitment. The administration has requested $130 million to fund the Federal program. What we cannot neglect is the work which must be done by our State and local law enforcement agencies and the provision of funds for those areas which have demonstrated drug trafficking problems. The experience of local law enforcement officials and their familiarity with the unique characteristics of the community is going to be a needed resource. Urban drug agents would be helpless on assignment in rural Arkansas forests. However, in many cases, these State and local law enforcement agencies have barely the funds to provide for the safety of their communities. They simply do not have the additional resources to commit to seeking out international and interstate drug traffickers.

I would suggest that criteria be established under which States could qualify for funding to assist their State and/or local law enforcement agencies with special drug trafficking problems. States would then be responsible for disbursing the funds appropriately to law enforcement units under its jurisdiction.

By providing targeted assistance to areas with major drug activity, we can more effectively combat this national problem. For if we are to be committed to ending the production and distribution of drugs, we must also be willing to commit the resources necessary to do so.

In closing, Mr. Chairman, I would again like to express my support of the President's initiatives. But let us go forward with a comprehensive, effective program. Our Nation will be the better for it.

I thank the members of the committee for the opportunity to appear before you today.

LETTER FROM SENATOR BIDEN

Senator WEICKER. I thank you very much.

Senator HOLLINGS. Mr. Chairman, Senator Biden, the ranking member of the Judiciary Committee has some concerns which he will address in a letter. I would appreciate your holding the record open so the letter can be included.

Senator WEICKER. So ordered.

[The letter follows:]

LETTER FROM SENATOR JOSEPH R. BIDEN, JR.

DECEMBER 15, 1982.

Hon. ERNEST F. HOLLINGS,
Ranking Member, Subcommittee on State, Justice, Commerce, Judiciary and Related Agencies, 115 Russell Senate Office Building, Washington, D.C.

DEAR FRITZ: As the ranking member of the Senate Judiciary Committee I have been reviewing with great interest the newly announced Organized Crime and Drug Task Force program. Like many of my colleagues I believe it is important that these additional funds be made available in hopes of improving the fight against drug trafficking and organized crime.

I also believe that accurate information on the level of success of this task force program be made available on an annual basis. There is much that can be learned from the creation of this task force program and it is imperative that specific data and information be collected, analyzed, and included in an annual report to the President and Congress.

For these reasons I request that the language noted below be included in the conference report on the continuing resolution under the appropriate section concerning the Organized Crime and Drug Task Force program.

"The Committee believes an annual report should be delivered to the President, the Appropriations Committee and Judiciary Committee of the Senate and the House of Representatives starting no later than March 31, 1984, which indicates by comparison to similar statistics, information or other appropriate measures from previous years, whether this program has made contributions toward:

(1) reducing the supply of available heroin, cocaine, marihuana, hashish, and dangerous drugs in each of the task force regions and the United States in total using such measures as estimated importation or production, estimated number of abusers, treatment admission statistics, overdose death figures, price, and purity of drug sales at the consumer or 'street' level.

(2) increased seizure and forfeiture of assets of drug traffickers, including a breakdown of the types of assets seized and/or forfeited;

(3) arrests and convictions of drug traffickers by violator type;

(4) volume of drug seized or confiscated by type;

(5) estimates on the number of organized drug trafficking organizations that are dismantled and/or the extent to which their organizational structure has been damaged by this program;

(6) other indicators deemed appropriate by the Attorney General to analyze the level of success of these task forces.

This report should also include an explanation of the guidelines established and examples of task force jurisdictions that exemplified successful law enforcement and prosecution efforts based on information exchange, allocation of resources, coordination between agencies (Federal, State, and local) and other indicators that may serve as a model for improved task force programs."

I appreciate your support and assistance in this effort.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Ranking minority member.

REPRESENTATION REQUEST

Senator WEICKER. I have one point to be raised here which is minor in comparison to the millions that are being requested. But it is the type of thing that creates some questions on the part of the committee. I notice there is an increase of $30,000 in representation funds, bringing the total available to $65,000. I am sure we don't mind channeling our taxpayers' money into this increased law enforcement effort but I would like to know why the wining and dining account has to be up along with the request.

Mr. SMITH. Mr. Chairman, it is not really a wining and dining. It is a working and dining account. Although it is labeled Attorney General's representation fund, actually the Attorney General's office utilizes very little of it. It is a fund that is used throughout the Department, utilized by the FBI, by DEA, by INS, by the various agencies in the Department. The increase is directly related to two activities, one in place, and one proposed in this program.

I mentioned the Law Enforcement Coordinating Committee. This involves developing close working relationships with State and local officials. That kind of relationship involves expenditures of this kind. I might say this is a very small sum when you consider that we have 94 districts and we have 94 activities of this kind. In addition to that, if this program goes through, then there will be additional not only start-up efforts but also additional coordination and additional relationships between the various task forces and what you might consider the State and local counterparts.

In addition to that, of course, the FBI has relationships around the world. It is an international component to this. I can certainly assure you that as far as the Attorney General's office is concerned, what it uses out of this fund is small indeed.

Senator WEICKER. I think since this is an unusual request, as you can gather from what has been said here, you are going to have the support I think of the committee. It is items such as that, I would have to agree also with my colleague, $2.5 million for a Presidential Commission on Organized Crime, I have got before me the best Commission in the world. I don't have to pay any more than what you are already getting paid. I think we all know the job needs to be done. I am sure there are those who would like to have the Presidential appointments. I don't understand those kinds of funds or how this necessarily fits into what it is you have already started doing.

You are already on the track, aren't you?

Mr. SCHMULTS. May I add one point to that? That is not a request for money. That is merely a request to change the authorized level. That merely reflects authority to spend up to that amount if the need is there. We are not asking for any more money. We are only asking for funds available basis. That is a very important point.

Senator WEICKER. I know the Attorney General has to attend a Cabinet meeting. He so indicated to me before we scheduled the hearing. Are there any quick questions?

Senator RUDMAN. Thank you, Mr. Chairman. I don't.

Senator DECONCINI. I have several which I will submit in writing, but I do want to ask one question, Mr. Attorney General.

COOPERATION WITH LOCAL LAW ENFORCEMENT AGENCIES

Can you and the Director and others give us a more specific detail when you have it as to how these task forces will indeed be involved with the local law enforcement and who you anticipate those local law enforcement agencies to be? I think represented by Senator Pryor and all of us here, we like the idea, you certainly have my support, I compliment you again for coming for it, but I would like to certainly see it in writing, your program.

I have some questions as to the number of personnel that were in the South Florida Task Force and how many are anticipated. It may be classified or something you don't want to give in public. I will be glad to submit that in writing to you for some answers just to get a feel of what kind of personnel you are talking about.

Mr. SMITH. We would certainly be glad to do that.

ATTORNEY GENERAL'S INTERNATIONAL TRIP

Senator DECONCINI. Let me say, Mr. Chairman, that I know he doesn't need any defense, but I see unfair criticism lodged toward the Attorney General in his recent trip out of the confines of the U.S. boundaries to assess the drug problem on a world basis. I think it was a very fruitful trip and though I am sure it cost money, raised some eyebrows, I think the knowledge and the image that the United States

gathered from that, that the Attorney General as the chief law enforcement officer is willing to make that effort and visit with heads of states is most beneficial. I want you to know that this is one Senator that has no objections to that effort that you made even if you sunned yourself a few times. I hope you did.

Mr. SMITH. Thank you.

ADDITIONAL COMMITTEE QUESTIONS

Senator WEICKER. There are further questions which I will submit for response to the record.

[The following questions were not asked at the hearing but were submitted to the Department for response subsequent to the hearing:]

Additional Committee Questions

QUESTION: Would you recommend this program to us if the funds to finance it had to come from other Department of Justice programs?

ANSWER: I am firmly committed to the goals of the Organized Crime Drug Enforcement program. As I stated previously, this is an effort which should have been undertaken long ago. Despite the high priority of the program, however, the Department of Justice does not have the resources to reprogram to meet the requirements of the Task Force effort without having a detrimental effect on other programs which are mandated by law.

QUESTION: The effort in South Florida has largely involved drugs. How will this program differ from the South Florida task force operation?

ANSWER: The South Florida task force operation served as a model for the proposed task forces to the extent that coordination of a number of agencies was required to achieve success. However, this effort was in response to the particular problems of the South Florida area which had become a focal point of drug-related violence and corruption due to the magnitude of drug trafficking activity. To accomplish this initiative, law enforcement resources were shifted from other areas of the country and drug traffickers began to shift their routes toward those areas. The proposed task forces are part of a national response to the total drug and organized crime problem.

The proposed 12 task forces will be under the direction of the Attorney General and will work closely with state and local enforcement officials. Like the South Florida effort, they will utilize the law enforcement resources of the Federal Government including the FBI, DEA, IRS, ATF, Immigration and Naturalization Service, the United States Marshals Service, the United States Customs Service, and the Coast Guard. In some regions, Department of Defense tracking and pursuit capability will be made available.

The South Florida task force was mobilized in an area which was innundated with narcotics trafficking and focused on taking immediate steps to stem the flow of illicit drugs into that area to put an end to the drug-related violence. This new effort is a refinement of the South Florida cooperative model. The focus of these task forces is to expose, prosecute and ultimately cripple major drug trafficking and other organized criminal enterprises operating within the United States. These organizations include:

- La Cosa Nostra (the LCN)
- Outlaw Motorcycle Gangs
- Prison Gangs
- Other Ethnic or Regional Organized Crime Groups

These organizations deal in drugs, employ violence as a primary tactic in achieving their objective and are secretive, self-perpetuating criminal societies.

In short, the proposed task forces are different from the South Florida task force model in that they are part of a national strategy to combat illicit drug trade and to cripple organized crime rather than to come to grips with a specific problem of a limited geographic area. The proposed task forces will be under the direction of the Attorney General and will target high level organized criminal elements dealing in narcotics. Funding for these activities will be derived from a single appropriated source rather than having the Federal agencies involved provide resources for the effort from within their respective appropriations.

QUESTION: We have seen strike force operations before and GAO has reported to us that they have been plagued by a lack of cooperation between the participating agencies. With these task forces involving FBI

agents, DEA — and also Customs and IRS personnel — what is being done to assure that they work together?

ANSWER: A principal aim of the Task forces is to improve interagency cooperation in drug cases and, in particular, to initiate more joint investigative efforts against major drug organizations.

The structure of the Task Force Program provides the necessary means for improving interagency coordination at each of the critical levels: the Working Group chaired by the Associate Attorney General will focus on formulating cooperative strategies at the national headquarters' level; the Advisory Committee for each Task Force will bring together the heads of the agencies' local field offices for regional planning of Task Force efforts; the Coordination Group for each Task Force, composed of supervisors from each agency, will be involved in coordinating day-to-day operations; and Task Force agents will be grouped in teams in cases requiring investigation by more than one agency. The Task Force Coordinator for each Task Force will be responsible for monitoring cases and ensuring that each case is being worked by all appropriate agencies.

The Treasury Department has had high-level involvement in the design and development of the Task Force Program from the start and has pledged the full cooperation of its investigative agencies when the Task Forces become operational. Cooperative efforts between the FBI and DEA have increased dramatically over the past year, due largely to the administrative reorganization of DEA and the increased role of the FBI in narcotics cases. We expect these efforts to continue to expand under the Task Force Program.

Clearly there have been some joint efforts in the past that have not been as successful as we had hoped. The occasional problems that occur, such as personality conflicts between key agency representatives, will inevitably interfere with some cases, but it should be recognized that such instances are relatively rare. Contrary to GAO's suggestion that joint operations have been "plagued" by lack of cooperation, we feel that the vast majority of interagency efforts, such as those of the Organized Crime Strike Forces, DEA's State/Local Task Forces and a number of special joint initiatives in such areas as financial investigation, have demonstrated considerable success in bringing agencies together on important cases. We expect the Drug Task Force Program to enable us to have even greater success in promoting interagency cooperation.

QUESTION: $2,500,000 is requested for a Presidential Commission on Organized Crime. What will the mandate of this Commission be?

Do you anticipate that the Commission will have authority to subpoena witnesses?

ANSWER: Broadly speaking, the Commission will undertake a region-by-region analysis of organized crime's influence, analyze and debate the date it gathers, and hold public hearings on the findings. Not only will the work of the commission lead to important legislative recommendations, but also it will heighten public awareness and knowledge about the threat of organized drug trafficking and organized crime, and mobilize citizen support for their eradication.

The Commission will last for a period of up to three years. During this time, the commission will focus primarily on organized criminal enterprises that traffic in drugs. Organized drug trafficking is a serious and pervasive problem which requires an indepth analysis by the commission. In addition, the Commission will consider, where appropriate, related activities by traditional and emerging organized criminal enterprises.

It has been many years since the Government effectively threw the light of public inquiry on organized crime. Prior efforts such as the Kefauver and McClellan Committees, and the Senate Permanent Subcommittee on Investigations not only aided law enforcement by developing a body of information about the problem of organized crime but mobilized public support to attack the problem. Like these earlier Committees, the Commission will define precisely

the nature of organized drug trafficking and organized crime in America today.

The Commission's role would be to take a close look at these emerging groups and develop the data necessary for an effective response by law enforcement. In its hearings around the country, the Commission could determine what types of groups are operating, what is the nature of the drug trade, what patterns of activity flow from the drug trade, and how effective is the law enforcement response.

Most importantly, the commission would perform a critical function in evaluating existing law enforcement efforts. If our initiatives fail to address the drug problem or need refinement, it is crucial that we know the answer. Ultimately, the Commission can have a lasting impact on how we view organized drug trafficking and how we respond to this pernicious problem.

The Commission will be composed of fifteen distinguished individuals from diverse backgrounds and professions with practical experience in criminal justice and combatting organized crime. Some members may be chosen from law enforcement officials in the Executive Branch and members of Congress with interest in law enforcement. Other Commission members might include a retired federal judge, a State Attorney General, a State Governor, a writer or journalist familiar with organized drug trafficking, a police officer or other individuals from the private sector or academia with expertise in the area.

The total estimated operating cost for the Commission for the remainder of FY 1983 will be $2,500,000. Based on the experiences of presidential Commissions on other significant domestic problems, we believe this level of funding is most reasonable. The funds are required to support the activities and travel requirements of the commissioners and the salaries and expenses of the support staff.

The Presidential Commission on Organized Crime will be mandated to develop more accurate baseline information on organized criminal involvement in drug trafficking. During its three year term, the Commission will develop data on organized criminal enterprise participants and activities in each region and in the nation as whole, and will evaluate existing law enforcement efforts in order to make recommendations for refinement and improvement.

At this time, a number of options regarding the Commission are under review, including subpeona authority. This issue is under consideration but no final decision has been made. Although there is a distinct possibility that subpeona authority will be necessary, it will be necessary to seek Congressional approval for the authority.

QUESTION: General, when this budget amendment was reviewed by OMB some $24.5 million previously requested by the Department was redirected to offset this request.

As you may be aware these funds had already been redirected by the Committee for other purposes-including an increment of $10 million for the FBI's Foreign Counter-Intelligence program. Do you intend that we reconsider these actions?

ANSWER: No, we do not ask that you reconsider these actions. I believe that, as Director Stockman's letter of December 8, 1982 indicates, the Administration supports inclusion of the amendment submitted by the President on November 30, 1982 and hopes that you can fund these requests and nevertheless remain reasonably close to the 302(b) benchmark. Because the actions you mention in your question are included within the Senate's 302(b) allocation to the State, Commerce, Justice Subcommittee, I see no reason for the Administration to seek your reconsideration of the Subcommittee's prior recommendations referenced in your question.

QUESTION: If the House agrees to the FCI increase, what priority will this program get in staffing compared to the Task Forces?

ANSWER: Both the President and the Attorney General are keenly aware of the increasing threat which hostile intelligence services post to this country. The Department is taking definitive steps to ensure that the FBI's Foreign Counterintelligence (FCI) program is properly staffed and equipped with necessary support services; its priority will not be diminished as a result of the requirement of the Organized Crime Enforement Program. In addition, we recognize the strong interest which this Committee has in this matter--as demonstrated by the additional $10 million in funding recently endorsed by its members for FCI purposes. These are simply two very different problems which must be separately and aggressively addressed. As Director Webster has made clear in his formal statement, agents assigned to the FCI program "are not going to be available for drug enforement." We need the additional resources for both programs.

We have taken adequate steps to ensure that training facilities will be able to handle the input of new Agents that will result from both of these priority program.

QUESTION: Who will determine what FBI and DEA resources are required for each Task Force?

How will this be communicated to the Bureau and DEA and who will be ultimately responsible for selection of the individual agents?

ANSWER: The Attorney General will decide what FBI and DEA resources are required for each Task Force. A working group chaired by the Associate Attorney General will make recommendations regarding the initial allocation of Task Force attorneys, investigators, support personnel and other resources.

The FBI and DEA Special-Agents-in-Charge in each Task Force will decide which agents will be assigned to the Task Force. In addition, the FBI and DEA will make decisions regarding the allocation of non-personnel related resources consistent with their long-range automation and radio equipment plans.

The Attorney General will communicate his decisions on resource allocations directly to FBI Director Webster and Acting DEA Administrator Mullen.

QUESTION: With the thrust of this program being the breakup of the infrastructure of the organizations involved in drug trafficking, do you see the lessening of interest in interdiction?

ANSWER: Not at all, interdiction of the supply of narcotics and dangerous drugs before they reach our Nation's borders continues to be of paramount importance in our overall drug strategy. Some of the Task Forces, especially in border areas will be heavily oriented to interdiction efforts. We will continue our efforts through the DEA's Foreign Cooperative Investigation program to interdict narcotics and dangerous drugs in source countries, transhipment countries and laboratory conversion countries. The increases requested for reimbursement to the Department of the Treasury will, in part, fund additional U.S. Customs Service operations--especially in those Task Force regions which lend themselves to the interdiction role of the U.S. Customs Patrol. We believe the Administration will support some expansion in DEA's overseas presence in the near future.

QUESTION: Are you satisfied that the arrangements being made will leave you the flexibility you need to manage FBI resources?

ANSWER: YES - The FBI has actively participated in the planning process regarding the implementation of the Narcotics Task Force concept. We are satisfied that one of the key principals of the operation of these Task Forces is that line authority and resource management will remain with the investigative agencies, thereby not usurping

the management prerogatives of the agencies participating in Task Force operations. On that foundation, I am confident that we have the necessary flexibility to manage our resources in the narcotics investigative area.

QUESTION: We have been told that the Bureau has directed about 500 workyears to narcotics cases since assuming concurrent jurisdiction over these cases. This has been done without an increase in overall resources. From what areas have you had to divert resources to meet this new demand?

ANSWER: The most recently available data from the FBI's Time Utilization Recordkeeping system indicate that the largest criminal programs in the FBI are yielding the necessary resources to sustain the FBI's narcotics investigative efforts. Narcotics investigations are grouped under the Organized Crime Program, for the most part, and other portions of this program are providing the single largest amount of resources for this effort. The other major contribution to this effort is the White-Collar Crime Program, from which about 150 workyears have been obtained. To a much lesser extent, resources have also been diverted from the Civil Rights, Terrorism, and Foreign Counter-intelligence programs.

QUESTION: There is currently 17 percent over-capacity in the federal prisons. This program will add another 1,000 - 1,500 inmates—a 3.6 to 5.3 percent increase. The amendment would add about 1,000 beds, enough to cover part of the increment from the task forces. Is this going to be enough? What are you going to do about the current over-capacity problem? Is the Department's answer going to be solely to increase prison space or are you going to lend support to increasing funds for community corrections and other alternatives?

ANSWER: The amendment would add 780 more bedspaces to FPS existing capacity—it is not a panacea to overcrowding, however, when combined with other expansion projects described below, it is enough to help relieve the severity of the problem.

In 1983, we will be adding approximately 625 more bedspaces to our capacity as projects begun in previous years are brought on line. These include construction of additional housing units at Seagoville, Texas; Sandstone, Minnesota; Boron, California, and Danbury, Connecticut, as well as activation of a new Federal Prison Camp at Mt. Laguna, California. A Federal Correctional Institution at Phoenix, Arizona is scheduled to come on line in 1985 and will add 400 more bedspaces. Even given these and other planned expansion projects, however, we anticipate through 1987 that population will continue to exceed capacity by at least 4,000 bedspaces.

Certainly, increasing bedspace to match population is not the sole response to alleviating overcrowding. One of our major objectives is to afford all eligible FPS releasees the opportunity to participate in community corrections programs. The extent to which we are able to utilize these programs is tied to available resource levels. Our goal is to place all eligible releasees in community treatment programs for an average length of stay of 100 days. In 1981 we were able to place 87 percent of all eligibles (2,161) for an average length of stay of 106 days. Although budget restraints caused a decline in both average daily population and average length of stay during much of 1982, our current average daily population in Community Corrections programs is approximately 2,000 which is expected to continue in 1983. In 1984, we are hopeful that resources will be made available to permit us to place an average daily population of approximately 2,300 inmates for an average length of stay of 100 days.

A factor which has compounded overcrowding of federal prisons is the growing number of sentenced state offenders and unsentenced detainees we are prevailed upon to house because of overcrowded or unacceptable conditions in state and local jail facilities. With few exceptions, virtually every state in the 12 task force regions is involved in existing court decrees or pending litigation involving overcrowding or overall conditions of confinement. Funds requested for the Coopera-

tive Agreement Program would enable states to remove sentenced offenders from federal facilities for long-term confinement of pre-trial detainees. This would create space in federal facilities to accommodate inmates designated to be confined at that level.

QUESTION: Will the immediate problem of staffing the Task Forces require further diversion of your resources?

ANSWER: Staffing the Task Forces may require a further, temporary, diversion of resources. The training program for new FBI agents is approximately 15 weeks. New agents will be brought on board at the rate of 80 each month, with the first class beginning December 27, 1982. To the extent that new Task Forces are staffed faster than new agents complete their training, some diversion of resources will result. It is presently anticipated that this situation will not result in any significant diversion of resources.

QUESTION: How quickly will you be able to back-fill positions?

ANSWER: The first class of new FBI agents to back-fill those being assigned to task forces will begin training December 27, 1982. Thereafter, the FBI will hire two classes per month of 40 new special agents per class. This hiring plan will permit a maximum of 760 new agents to be brought on board during FY 1983.

QUESTION: The request anticipates approximately 1,000 to 1,500 new prisoners as a result of this program.

Do you have any idea how many new trials will result and what the impact might be on the Federal Court dockets?

ANSWER: The Task Forces are expected to generate from 300 to 360 trials. Although this will have an impact on already overcrowded Federal Court dockets; the trials would be spread across all of the Judicial Districts and should not create insurmountable problems for the Courts.

QUESTION: Who will make the determination with respect to the level of participation required from Treasury or other agencies?

ANSWER: The Attorney General will determine the level of support required for the Task Forces from the Treasury Department and other agencies.

QUESTION: What role will the heads of Customs or IRS play in this process?

ANSWER: Senior officials from the Treasury Department have been involved in all aspects of planning for the Task Force effort. Customs and IRS, under the direction of the Secretary of the Treasury are involved in the decisions on how they will deploy resources allocated by the Attorney General. However, the Attorney General as the official who is ultimately responsible for the program will make the final decisions regarding resource allocations based on his assessment of the requirements of each Task Force region.

QUESTION: $14.7 million is budgeted for 500 positions from non-Justice agencies. Does this request include salaries only and are all related support costs to be paid out of this appropriation?

ANSWER: The $14.7 million budgeted for non-Justice agencies includes salaries, benefits and other related costs for investigators and clerical personnel in the Task Force regions. These related costs include travel, permanent change of station, space, communications, supplies, equipment and other miscellaneous costs. In addition, resources are included for Coast Guard interdiction efforts.

QUESTION: The budget document states that the task forces will work in close cooperation with state and local law enforcement officials. How do you intend to coordinate with these officials?

ANSWER: The coordination of task force efforts with state and local law enforcement officials will be accomplished primarily through the Law enforcement Coordinating Committee for that district.

QUESTION: A frequent complaint from local officials is that cooperation from Federal agencies tends to be a one way street — with the Feds receiving information but not sharing with local police. What type of cooperation can local authorities expect from the Task Forces?

ANSWER: Local authorities can expect full cooperation of the Task Forces. I am convinced that the recently established Law Enforcement Coordinating Committees (LECCs) will develop the working relationship with local officials to the extent that complaints will be few and far between.

QUESTION: The pending amendments include a total of $24,115,000 for FBI voice privacy equipment — half of this amount is requested for the Task Force program. Can you tell us the need for these sums?

ANSWER: The FBI has had no voice privacy for its general FM radio system. Limited equipment was purchased for highly sensitive operations in the past. After extensive research prior to FY 1982, a decision was made to convert the entire FM radio system to digital voice privacy. Base funding in FY 1982 will provide for the Los Angeles office only. The amendments will provide complete systems for New York, Miami, Chicago, Washington, D.C., Boston, San Francisco, and Detroit, thereby covering most of the major Task Force areas.

QUESTION: The amendment for the task forces includes $16 million for automation. The justification (page #7) indicates that this will provide not only ADP for the task forces but also provides a continuation of the ADP modernization program. Can you identify the resources necessary solely for support of the task forces as opposed to the modernization of your systems—or, are these really not separate?

ANSWER: The automation suport to the Drug Task Forces and the modernization of the FBI's automation systems are directly related and inseparable. The accelerated implementation of the FBI's long range automation strategy will provide a powerful, secure, integrated automatic data processing and telecommunications capacity to the Drug Task Forces and supporting FBI Field Divisions. These systems are cost-effective, secure and designed to ensure the effective management of complex, time-critical intelligence gathering and investigative operations and the efficient utilization of investigative resources.

Nationwide access to these powerful integrated information management systems will be achieved through the FBI's secure Computer Applications Communications Network. Due to the international nature of drug trafficking, this automation strategy extends to Rome, Italy, where the Organized Crime Information System is installing a terminal to supprot increased collation and dissemination of drug intelligence information.

The requested $16 million will allow the FBI to support directly the President's Organized Crime Drug Enforcement program through the continued well planned, agressive implementation of its automation strategy.

QUESTION: President Reagan announced this effort at the Department of Justice on October 14. Why did it take until November 30 for this request to be transmitted to the Congress?

ANSWER: The Administration's intent was to have the amendment available to the Congress by the time the Congress returned from the "election recess." Between October 14 and November 30, the Department prepared

the formal justification for the Organized Crime Drug Enforcement amendment and integrated earlier approved 1983 amendment items into one justification document for presentation to the Congress. During this period the Department and OMB were intensively involved in review of the Department's 1984 budget request. As part of this process the new Organized Crime Drug Enforcement initiative had to be melded into the 1984 decision process. In addition, there were discussions about possible offsets to the new funding initiative. I believe the statements presented by Director Stockman in his December 8, 1982, letter to the Chairman represent the outcome of these discussions. As you know, the amendment transmitted by the President on November 30, 1982, contained proposals apart from the Department of Justice. As I understand, some of the time taken by OMB was to formulate the overall 1983 amendment.

QUESTION: The drug trafficking problem is well known at all levels of Government. Why is it necessary to wine and dine State and local officials to the tune of $30,000 to sell them this program?

ANSWER: As I indicated at the hearing on December 9, 1982, the funds expended in this area are primarily used to cover expenses incurred by the Department when they host working meetings or dinners with officials outside of the Department. It is not necessary to "sell the program" rather, these funds are necessary to develop the coordination, cooperation and close working relationships with State and local officials that are so important to this effort. These are areas, I might add, where criticism has been directed in past efforts.

QUESTION: How much of the current $35,000 limitation of official reception and representation has the Department used in 1983 and what has it been used for?

ANSWER: Through November 1983, the Department expended $11,264 has been spent of the $35,000 official reception and representation limitation. A breakdown of the amount spent by organization and activity follows:

Attorney General - $4,926

- International Trip - In late October and early November, the Attorney General traveled to six countries to address drug enforcement, refugee and terrorism problems. This was a unique undertaking, aimed at developing foreign cooperation in these problem areas. Prior to his departure, the Department requested guidelines from the State Department and Department of Defense regarding approximate allowances for gifts to foreign dignitaries. A total of $4,463 was expended in accordance with those guidelines.

- Special luncheons - $463

Federal Bureau of Investigation - $2,753

- In October, the FBI hosted a conference of high-ranking Italian and Canadian law enforcement officials in an attempt to coordinate investigative efforts regarding international narcotics smuggling and money laundering. A large number of officials attended, and extraordinary efforts were made to keep expenditures to an absolute minimum; nevertheless, the expenditure of representation funds exceeded $900 during this conference.

- Discussions were held to enhance investigative cooperation with the Director of a counterpart investigative agency in the Far East. The cost exceeded $300.

- During October and November, the FBI hosted luncheons for the Deputy Director and the Deputy Chief of the Swedish Security Service and for high-ranking officials of the British embassy. The cost was $72.

- In October, a conference/luncheon was held with officials from the Food and Drug Administration regarding the Tylenol murder case. The cost was $15.

Immigration and Naturalization Service - $785

- Overseas over $749 has been spent extending courtesies to representatives of foreign governments and $36 has been spent in the Central Office to fund official activity that further the interests of INS.

Federal Prison System - None

- No expenditures to date for FPS.

Drug Enforcement Administration - $2,800

- International Drug Enforcement Officers Training - $400.
- Foreign Officials reception overseas - $800.
- International Association of Chiefs of Police receptions (national and international) - $1,600.

QUESTION: There is some concern that basing of the Task Forces in the 12 metropolitan areas will not improve the drug enforcement in rural States. Some persons believe a better arrangement would have been to use the Judicial Districts as the basis of the effort? How can we be assured that the task force will ever get out of Atlanta?

ANSWER: We can understand that basing the Task Forces in metropolitan areas may create concerns that rural areas will not receive the attention required. It is envisioned that the core cities would serve primarily in an administrative function. However, for operational purposes, the Task Force efforts will be directed to those locations within each region where major drug trafficking organizations are identified. The basic concept of the Task Forces is to apply resources where the need is the greatest.

QUESTION: What assurances do we have that Atlanta based task forces will not come unannounced into South Carolina and mess up on-going State and local drug investigations?

ANSWER: We believe we have created sufficient organizational safeguards to assure you that few, if any, such events will occur. Task Force operations will be fully coordinated with all Federal organizations within the regions and close cooperation with State and local law enforcement officials will be a major theme. We expect that much of this coordination will be accomplished through the district Law Enforcement Coordinating Committee. Although the U.S. Attorney will be tasked with the overall coordination of the Task Force efforts, management and control of investigative efforts will remain the responsibility of the appropriate organization (i.e., FBI, DEA, IRS).

QUESTION: Department officials have said that only experienced attorneys and agents will be assigned to the task forces. What will be the impact of transferring 1,000 experienced personnel from on-going investigations and leaving them in the hands of new personnel?

ANSWER: I believe the impact on on-going investigations will be minimal. We do not plan to immediately transfer 1,000 experienced attorneys and agents into the Task Forces, but rather, phase them in over a period of time as they become fully operational. Further, we intend to retain many of the experienced agents and attorneys in basically the same locations where they are currently assigned. This is important both to the Task Force operation where the experienced personnel will retain their "area expertise" and to the phasing in of new personnel where cases can be transferred on an orderly basis.

QUESTION: Nearly 2 months have elapsed since President Reagan announced this effort. Please provide a breakdown by agency of the $42,225,000 requested for operating expenses.

ANSWER: The Attorney General has not yet made final decisions regarding the allocation of the $42,225,000 in operating expenses for the Task Forces. A working group is in the process of weighing all relevant factors to determine the most appropriate distribution of resources. It is expected that the working group will be making its recommendations to the Attorney General within the next few weeks.

QUESTION: In view of the previous actions of the OMB, how can we be assured that these funds will not be diverted to absorb inflation?

ANSWER: The Organized Crime Drug Enforcement Program is a new appropriation account and all planned 1983 costs are provided for in the $130 million request. The Department of Justice is confident that requirements to continue this effort on a full-year basis in 1984 will be provided for by the President in his 1984 budget.

QUESTION: Can the FBI Academy and other training facilities process all the new agents by the end of fiscal year 1983 without disrupting the training of state and local personnel?

ANSWER: The FBI Academy will be able to adequately meet the training requirements for new agents, as well as maintain training commitments with state and local law enforcement officers. Modifications to the overall 1983 training plan, such as the renting of limited local housing facilities, will be required of course, but such a commitment can be accommodated at the Academy without adversely affecting the state and local training program. The FBI will also be able to maintain emphasis on training in the new Forensic Science Training and Research Center which was designed primarily for state and local training.

QUESTION: According to the Southeast Task Force Region fact sheet, Nashville "is currently undergoing the most conspicuous increase in heroin availability of any jurisdiction" within the region. In light of that statement, does DEA still plan to reduce the Nashville office by two positions?

ANSWER: Prior to addressing your specific question it is important to recognize the purposes for which the task force fact sheets were prepared. That is, the fact sheets are working drafts which served as reference points for the participants who were involved in preliminary development of the Organized Crime Drug Enforcement (OCDE) program. No attempt has been made to update these fact sheets, and in fact the OCDE executive group is now using more comprehensive data sources in the planning efforts.

Concerning the Nashville observation, it is important to note the context in which the statement was made. The Southeast region fact sheet attempted to assess relevant drug trafficking trends in this part of the country. This brief summary is not a comprehensive report but rather a synopsis of raw intelligence data for a three month period of time. As the statement correctly noted, from April through June 1982 there were indications that the Atlanta area was the primary heroin importation and distribution center for this region. There were other indications that the most conspicuous increase in heroin availability was in Nashville while there was no change reported for other areas. These raw data were not assimilated within a national context, nor was an analysis conducted to determine the relative importance of the four heroin investigations initiated during that time period with respect to other drug related investigations within that locale. Therefore, the statement should be regarded as a short-term trend observation and should not be construed as an indication of a severe heroin problem in Nashville.

As to the staffing plan for Nashville, DEA reduced the position ceiling for Special agents from five to three nearly nine months ago. The total Special agent ceiling for Tennessee was reduced from eight to six. However, two agents were assigned to Knoxville during the World's Fair; this effectively kept the number of special agents assigned in Tennessee at eight. The Associate Attorney General has requested that DEA reassess the entire trafficking situation in Tennessee and maintain a deployment of eight special agents in Tennessee during the interim period. However, this decision was not based on the trafficking trend regarding heroin availability in Nashville.

We believe the heroin trafficking trend in Nashville is noteworthy but is in no way indicative of a severe heroin problem. Any consideration of redeployment of DEA personnel necessarily entails an assessment of the drug trafficking situation within a broad context and is contingent upon the availability of resources. Should there be indications that Nashville is experiencing a severe drug trafficking problem, enforcement efforts will be deployed as appropriate.

QUESTION: In 1982 the Drug Enforcement Administration obligated $9,656,000 for the purchase of evidence and information. In Florida $694,000 was spent for such purposes while only $2,000 was spent in Vermont. Do you have a listing of the obligations by State in fiscal 1982 for such purposes?

Drug Enforcement Administration
Purchase of Evidence/Payments for Information
Obligations by State or Territory
Fiscal Year 1982
(In thousands of dollars)

State	Total		Total
Alabama	41	Nevada	114
Alaska	25	New Hampshire	6
Arizona	306	New Jersey	54
Arkansas	20	New Mexico	53
California	1,543	New York	2,458
Colorado	197	North Carolina	15
Connecticut	68	North Dakota	9
Delaware	11	Ohio	40
District of Columbia	338	Oklahoma	23
Florida	743	Oregon	61
Georgia	117	Pennsylvania	268
Guam	7	Puerto Rico	76
Hawaii	68	Rhode Island	48
Idaho	25	South Carolina	30
Illinois	446	South Dakota	2
Indiana	99	Tennessee	16
Iowa	12	Texas	814
Kansas	17	Utah	7
Kentucky	31	Vermont	2
Louisiana	104	Virginia	34
Maine	3	Washington	107
Maryland	155	West Virgina	5
Massachusetts	79	Wisconsin	24
Michigan	356	Wyoming	4
Minnesota	109	Headquarters controlled multi-state operations	255
Mississippi	14		
Missouri	192		
Montana	2	Grand Total	9,656
Nebraska	3		

QUESTION: Senator Leahy and others from land border States are concerned about the minimal amounts available for purchase of evidence and information in their States. They suggest a minimal level of $25,000 to the DEA office in each land border State. What impact would such an allocation have on DEA?

ANSWER: DEA's mission is to reduce the availability of illicit drugs. This is partially achieved by investigating major national and international drug trafficking groups. We allocate our resources (manpower and PE/PI) to maximize the disruption of these trafficking organizations. Many land border States (as well as other states) do not have trafficking organizations of national or international stature; and this situation is susceptible to rapid change. A $25,000 expenditures in PE/PI per land border State is an artificial and unacceptable constraint on the allocation of resources in pursuit of major national and international groups. This suggested requirement would force DEA to spend well over $100,000 in PE/PI in ways not relevant to major trafficking patterns. DEA must resist artificial limitations on the use of our resources if we are expected to plan their use wisely and efficiently in pursuit of our mission.

QUESTION: How much has already been appropriated to the FBI and DEA for Voice Privacy?

ANSWER: The FBI Technical Field Support and Equipment Program base level funding provides for $6.3 million for replacement of FM radio equipment on an annual basis. The first digital voice privacy equipment contract was awarded in FY 1982 to begin transformation of our FM system. The DEA Technical Operations base level funding provies $2.0 million for the purchase and installation of voice privacy radio equipment.

QUESTION: I understand that Customs is allocating $4,000,000 for research in voice privacy? How much are all the Federal law enforcement agencies spending on voice privacy? Is there any coordination of all this investment?

ANSWER: The FBI voice privacy project has been and will continue to be coordinated with the Drug Enforcement Administration. Additionally, the FBI had extensive discussions with the U.S. Secret Service during our voice privacy research period. We do not have available information on costs associated with all Federal law enforcement agencies. However, we have been able to obtain the following information regarding voice privacy expenditures for other than the FBI and DEA; Bureau of Alcohol, Tobacco, and Firearms - 0, Internal Revenue Service - 0, U.S. Customs Service - $800,000.

QUESTION: Will the $12,000,000 requested be used to buy equipment or to conduct research in voice privacy?

ANSWER: All of the requested funding will be for equipment. The FBI previously conducted extensive research into voice privacy and selected the operationally appropriate system in FY 1982.

DEA AIR WING

QUESTION: How many planes does DEA now operate, and are they all owned by the government?

ANSWER: DEA operates 42 aircraft, all owned by the U.S. Government.

QUESTION: Where is the DEA Air Wing located:

ANSWER: Addison, Texas.

QUESTION: How is the DEA Air Wing coordinated with the Customs air operations and the Coast Guard and military services?

ANSWER: DEA Air Wing missions on specific operations are coordinated (on an as needed basis) with U.S. Customs, military and the Coast Guard. Since the use of DEA aircraft primarily supports the investigative mission of DEA, coordination with other agencies is dictated by the investigative demands of the investigation itself.

QUESTION: This request includes acquisition of a longrange, cabin class, twin turbine engine surveillance aircraft. Is it possible for DEA to satisfy this need from among the aircraft seized by DEA?

ANSWER: Aircraft in the DEA inventory, either seized or purchased, are not suitable to accomplish this type of long range mission. Some missions require the capability to make extensive overwater and long range search, surveillance, and undercover operations. The existing DEA aircraft fleet is not capable of performing these types of missions. The possibility of seizing an aircraft equipped with the necessary surveillance and navigational equipment to accomplish these missions is extremely remote.

QUESTION: The Committee has over the last two years indicated that a priority should be given to the Baltimore Jail in the Cooperative Agreement Program. Does the Department not agree that the Baltimore jail situation is critical, or why was not Baltimore mentioned in the justifications?

ANSWER: The Department of Justice concurs that the Baltimore City Jail situation is among the most critical nation-wide. As your are aware, the FY 1982 supplemental appropration for the Support of U.S. Prisoners included language which authorized the Department to enter into cooperative agreements for the purpose of renovating and equipping state and local jails that confine Federal prisoners. Sufficient resources were available in late September to allow funding of a limited number of renovation projects. At that time, the Department provided $150,000 to the Baltimore City Jail. This level of funding will allow Baltimore City to significantly reduce the overcrowding problem. Therefore, no additional funding for the City Jail was included in the Task Forces request.

QUESTION: The request for new federal prison facilities includes $1,900,000 for a camp at Petersburg, Virginia. The junior Senator from Virginia testified to the opposition of Petersburg to locating an alien detention center in that community. What assurance is there that Petersburg will accept the camp? How do we achieve expansion of federal prison beds if the Petersburg camp merely replaces an existing dormitory?

ANSWER: A Federal Correctional Institution has been located at Petersburg since 1930 housing youth and young adult medium security offenders. A satellite camp was subsequently created to house minimum or community custody inmates and has been in operation for some time now. Consequently, community reaction is not a factor in this case.

Creation of the satellite camp was accomplished by simply redesignating an existing community building for use as a housing unit to accommodate 37 inmates. While the building was renovated in 1975 following a fire, it really is not suitable to inmate housing. In addition to its insufficient capacity it continues to be of concern with respect to fire safety. The new dormitory as proposed would not merely be a replacement but would in fact expand existing capacity to accommodate 150 inmates, thereby adding 113 bedspaces to FPS' total capacity.

QUESTION: Was your original request based on a strategy of asking for two to get one, or why does the Department now believe only one such center is necessary?

ANSWER: When our original request was submitted the United States was confronted with the arrival of thousands of undocumented Haitian entrants. The aftermath of the Mariel Cuban experience, combined with the Administration's commitment to strengthen enforcement and

to detain illegal aliens pending their deportation argued for the implementatin of procedures to accomodate the increase in the number of detainees. One of the first problems encountered, however, was the lack of available detention space. To remedy this situation we requested funds for the construction of two new facilities.

At present, the situation has changed substantially from the time that we initially prepared our request. The number of Haitians illegally entering the United States has dropped significantly. Furthermore, a recent court decision has required the government to release all of the Haitian detainees pending hearings on their admissability. Because of these factors, we believe that one additional alien detention facility will be sufficient to meet our needs at this time.

It is difficlut to predict when the next wave of illegal immigration may arise or where it may come from. Because the nation still has a severe shortage in general detention capacity, we are not well equipped to handle a new influx of aliens. Because other more immediate problems must be dealt with, we must take the chance that one new detention center may be adequate in the immediate future.

QUESTION: The single appropriation request for the operation of the Task Force will certainly create a greater level of cooperation than obtained in previous operations. Do you plan to maintain the single appropriation request in future years?

ANSWER: The Department intends to maintain a single appropriation for Justice Department organizations involved in the Organized Crime Drug Enforcement program, at a minimum, through FY 1984. Because the task force efforts will be focused on high-level drug trafficking enterprises, the cases will involve complex and long-term investigations, usually from one to three years. During this process we will be evaluating the utility of maintaining a single appropriation.

QUESTION: What items in this request are non-recurring in 1984?

ANSWER: A total of $54,900,000 is expected to be non-recurred in 1984. This total includes $1,900,000 in transfer costs, $2,000,000 for the Drug Enforcement Administration air wing, $16,000,000 for Federal Bureau of Investigation (FBI) automated data processing, $12,000,000 for FBI voice privacy equipment, $5,000,000 for the United States Marshals Service Cooperative Agreement Program and $18,000,000 for prison construction.

QUESTION: What will it cost in 1984 to annualize this request?

ANSWER: The full cost of this program for FY 1984 is still under consideration by the Administration. The 1984 budget request will be forwarded to the Congress from the President in January, 1983.

QUESTION: In approving the funding for the alien detention center, the Congress directed that equal priority be given to the competing interests in Oakdale, Louisiana and El Reno, Oklahoma. Has a site been slected for that center?

ANSWER: No, we have not yet decided upon a site for the alien detention center. We are in the final stages of studying both the Oakdale and El Reno sites and hope to make our selection in the near future.

QUESTION: Why are you and the President recommending that such a small proportion of the total Program budget go for Customs ($5.7 million/112 positions) and BATF ($2.5 million/50 positions) when they represent perhaps the most important members of your Task Force team?

ANSWER: The mission of the Organized Crime Drug Enforcement program differs from that of the South Florida Task Force; therefore, its composition differs as well. The South Florida Task Force is primarily an interdiction effort to reduce the flow of

drugs into the country. The Regional Task Forces are a long term investigative effort having as their top priority the disruption of the intricate distribution and sales network set up by organized criminal enterprises engaged in drug trafficking throughout the nation. This effort, we believe, requires sophisticated investigative techniques such as those of the FBI, DEA and IRS. The latter agency is expected to offer vital financial investigative skills to the program.

The Customs Service and the Bureau of Alcohol, Tobacco and Firearms have been crucial factors in the success to date of the South Florida Task Force and will have an important role in the Regional Drug Task Forces. However, the drug enforcement problems in other regions of the country require a different law enforcement response. The Organized Crime Drug Enforcement program is designed to provide the Attorney General with the flexibility to respond to these varying requirements.

It is envisioned that each region will have the most appropriate mix of law enforcement personnel to respond to the drug problem in that region. It is entirely possible that the preponderance of Customs personnel will be clustered in a small number of the regions while others will have relatively fewer.

QUESTION: According to your justifications, the President is requesting $14,716,000 and 500 additional positions for the participation of Federal law enforcement agencies other than DEA and the FBI. I understand that about $12.7 million of this amount would go for the activities of the Customs Service, BATF, and IRS in Treasury. Customs would have received $5.7 million and 112 slots; BATF $2.5 million and 50 slots; and IRS $4.5 millin and 88 slots.

Yet I have seen little description of what the role of these three agencies will be in the Organized Crime Drug Enforcement Program.

Could you tell us briefly today what special role these three Treasury agencies will play and how they will fit in with the FBI and DEA's responsibilities in the coming year? Then give us as much detail as you can for the record, including information on what you see as the resources needed to keep Customs, BATF, and IRS involved in the Program in the next three fiscal years.

ANSWER: The Administration is requesting $14.7 million and 500 positions for Federal law enforcement agencies other than the FBI and DEA. At this time, however, the Attorney General has made no final decisions regarding the allocation of resources between the various participants in the Task Forces. The Customs Service, the Bureau of Alcohol, Tobacco and Firearms (ATF) and the Internal Revenue Service are expected to participate actively, as are FBI and DEA. However, the level and nature of the participation of any of these agencies is wholly dependent upon the types of cases in each of the Task Force Regions.

As stated previously, the thrust of the Organized Crime Drug Enforcement program will be directed at the financial underpinnings of organized criminal enterprises involved in drug trafficking. For the most part it is expected that the emphasis of the Task Forces will be on financial investigations thus necessitating the financial skills of the Internal Revenue Service, as well as those of the FBI. It is thought that the Customs Service which has responsibility for monitoring currency transactions will also have a role in some of the financial investigations. BATF will have responsibility for tracking weapons violations. Potentially that agency could conduct some undercover operations involving machine gun cases, although those are hypothetical at this time.

It is anticipated that the Customs Service and the Bureau of Alcohol Tobacco and Firearms, where appropriate, will have a similar role to that which they have had in the South Florida Task Force. However, it must be remembered that the regional drug task forces are not predominantly an interdiction effort as was the Florida effort. Therefore, these agencies may have a proportionately lesser role to play than in South Florida.

QUESTION: The justification material presents a very general idea of the Regional Task Forces you are proposing to create. Could you be a little more specific with respect to their organizational structure and their relationship to state and local enforcement agencies? In particular, I would like to know, first, exactly what administrative form the Task Forces will have. Who will direct them in the field? The local FBI or DEA field office director; officials from main Justice?

ANSWER: The Attorney General will provide leadership for the Task Forces' efforts and will retain direct control over these activities by the establishment of a single appropriation in the Department of Justice and the establishment of a high level interdepartmental Working Group to recommend allocation of resources between regions and agencies.

At the field level, the core city U.S. Attorney will coordinate task force efforts in the region. The U.S. Attorney will designate either a senior Assistant U.S. Attorney or a senior law enforcement official as Task Force Coordinator.

The role of the core city U.S. Attorney and the Task Force Coordinator is to provide coordination throughout the particular Task Force region. They are responsible for handling such administrative tasks as keeping track of Task Force cases and the utilization of Task Force resources, as well as helping to arbitrate any disputes that may arise.

Operationally, all field personnel will remain under the direct line authority of their respective agencies. That is an FBI Special Agent in a given region will continue to be under the control of his FBI Supervisor.

QUESTION: Second, exactly how do you envision the integration of the activities of these Task Forces with the multistate organized crime/narcotics agencies that presently exist and are funded under the General Administration account?

ANSWER: We have stated our opposition to the regional intelligence program and have requested no funding for this program in 1983. As you are aware, the effectiveness of the regional intelligence grant program supported by the General Administration Appropriation is currently under serious program and financial review. Should the Congress provide funding for the multistate projects in 1983, we will review them and make a determination as to whether or not to incorporate these agencies into the Organized Crime Drug Enforcement Task Forces.

QUESTION: How many enforcement personnel did the South Florida Task Force deploy?

ANSWER: Personnel resources committed to the South Florida Task Force by the various agencies are as follows:

Drug Enforcement Administration — 65 Special Agents, 8 clerical and other support personnel, and 5 pilots.

U.S. Marshals Service — 15 Deputy United States Marshals were assigned to the South Florida Task Force.

Although not specifically dedicated to the Task Force, there is an expanded federal law enforcement presence in South Florida as follows:

Federal Bureau of Investigation — an additional 43 Special Agents have been assigned to FBI offices in the South Florida area.

Criminal Division — prosecutors assigned to South Florida have ranged from 12 to 16 including 4 Fraud Section attorneys assigned to handle fraud cases to free prosecutors in the Miami U.S. Attorney's Office to do drug work, 6 attorneys to prosecute narcotics cases, 4 attorneys assigned to "Operation Greenback" (although "Greenback"

predates the South Florida Task Force, its work is closely related to the Task Force mission) and 2 attorneys to process forfeitures.

Executive Office of U.S. Attorneys — 10 Assistant U.S. Attorneys have been assigned to South Florida from other Districts and 29 new Assistant U.S. Attorneys have been hired to expand the U.S. Attorney's Office for the Southern District of Florida.

Internal Revenue Service — 26 IRS Agents were assigned to "Operation Greenback" (which predates the Task Force); as of October 25, 1982, 79 of the IRS Agents permanently assigned to the South Florida area were doing drug-related work.

Tax Division — as many as 5 Tax Division attorneys were temporarily assigned to South Florida to prosecute drug related tax cases during FY 1982.

Bureau of Prisons — 30 additional prison guards were assigned to Miami in connection with conversion of the Federal Correctional Institution from a medium-security, long-term prison facility to a Metropolitan Correctional Center which is a high-security facility to accommodate prisoners held for short periods of time. The additional prison officials were necessary to provide the higher level of security necessary for prisoners who represent a severe escape risk.

QUESTION: How many agents do you anticipate assigning to the Southwestern Task Force?

ANSWER: Final decisions regarding the allocation of personnel among the regions have not yet been made. We are in the process of reviewing the current status of organized criminal drug trafficking in each region. Following completion of this review and approval of funding, resources will be allocated.

QUESTION: Your budget plan also calls for $14.7 million for reimbursement of other Federal enforcement agencies assigned to the Task Force—e.g., IRS, BATF, U.S. Customs, Coast Guard. Are these other agencies willing to shift their personnel to your Task Forces? Who decides what personnel will indeed be provided:

$1.6 million is budgeted for state and local costs associated with Task Force operation. Have you considered making use of the existing network of Joint state-local enforcement organizations as an interface with the state-local enforcement community?

ANSWER: The exact distribution and types of resources to be deployed under the Organized Crime Drug Enforcement (OCDE) program is in the final stages of review and will shortly become available.

The OCDE effort has been coordinated with the other participating federal agencies and we expect that they will provide the staff resources necessary to the success of the program. To the extent practicable, the OCDE effort will operate in concert with the existing network of joint state-local enforcement organizations as an interface with the state-local enforcement community.

QUESTION: Your budget plan allocates 760 positions and $42.2 million to Task Force operating expenses. How many of these new positions are investigative as opposed to support personnel?

ANSWER: The 760 positions and $42.2 million in Task Force operating expenses includes 620 FBI and DEA Special Agents and 140 clerical positions.

QUESTION: I am very interested in your view of the relationship between these Regional Task Forces and state, and especially, local law enforcement agencies. The summary that we have received indicates that "where 'appropriate and productive' Task Forces will have a close working relationship with state and local enforcement agencies." In my opinion this concept will not work without a close relationship between the Task Forces and the local officials who are knowledgeable and experienced at dealing with drug trafficking in the area. Would you comment on this relationship?

ANSWER: It is essential that there be close working relationships between the Task Forces and local officials who are knowledgeable and experienced at dealing with drug trafficking in an area. As Director Webster indicated at the hearing, local law enforcement officials have more contact with the street level criminals who can provide intelligence information which may be vital to making a case against those higher echelon figures who have insulated themselves from actual drug trafficking. It is in the mutual self-interest of state and local law enforcement officials that we work closely toward our common goals. Law enforcement can not be effective in the absence of such cooperation.

It is precisely with this goal in mind that we have established Law Enforcement Coordinating Committees (LECCs) in all 95 judicial districts. The members of each LECC include representation from federal law enforcement agencies and state and local law enforcement officials with significant responsibility in each district. Additionally, each Task Force will include an individual who will be totally committed to the Coordination effort.

QUESTION: The establishment of a new appopriation account for the Regional Task Forces you are proposing is intended, as I understand it, to foster a more cooperative and integrated Federal enforcement effort. What leads you to believe, as the justification puts it, "that the single appropriation will reduce competition among competing agencies?"

ANSWER: The Department of Justice is keenly aware of the realities of the constrained budget situation and ceiling allocations. Each agency in the federal government is competing for increasingly scarce resources. In developing our budget request for the Organized Crime Drug Enforcement (OCDE) program, we felt that it was essential that we consider the criminal justice system as an integrated entity, each part having an effect on the other components. From that perspective it is essential that there is a balance among the various components of the system, investigative, prosecutorial, corrections and that, for example, there be sufficient attorneys to prosecute cases presented by investigators. We believe that if each agency had to request a portion of the resources separately, this balance would be difficult to maintain as some agencies would receive resources for OCDE and others would not. This program will not succeed if funding is not provided for all the affected components of the criminal justice system. It would be counterproductive for investigative agencies to pursue long term investigations and have insufficient prosecutors to present the cases to the courts or to have no prison space to incarcerate convicted offenders.

CONCLUSION OF HEARING

Senator WEICKER. If there are no further questions then, the hearing will stand in recess.

Mr. SMITH. Mr. Chairman, Ed Schmults had a response he wanted to make with respect to Senator Hollings figures. I don't know whether that would be appropriate.

Senator WEICKER. I think it would be best submitted for the record unless you would like me to bring Senator Hollings back in. [Laughter.]

[Whereupon, at 11:05 a.m., Thursday, December 9, the hearing was concluded, and the subcommittee was recessed, subject to the call of the Chair.]

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